

# **Appendix J**

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Department of Defense Materials



# **Appendix J1**

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California Compatible Initiative





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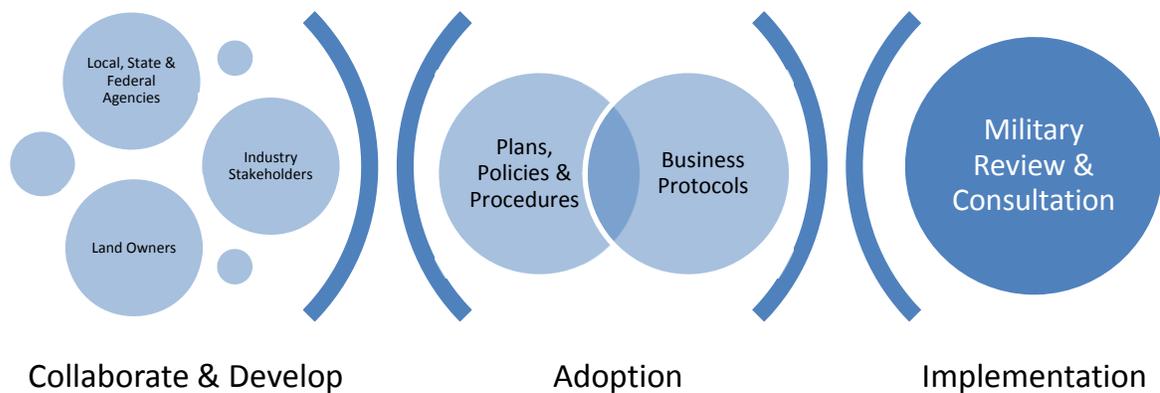
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## OVERVIEW

The Southwestern region of the United States boasts a variety of landscapes that allow users to enjoy all types of climates and terrains. Beyond the recreational opportunities, the region is rich with natural and cultural resources. The abundance of opportunities and resources has made the Southwest a prime target for urban growth and renewable energy development. Another major user of the Southwest's resources is the military. As urban development intensifies and renewable energy technologies expand it is important that all progress occurs in a compatible manner.

It is imperative that the military, as stakeholders utilizing air, sea, land, and frequency spectrum within various landscapes, collaborates and coordinates with industry stakeholders, land use agencies and the public. Without viable land management policies and proactive planning, uninformed actions taken by external agencies may adversely impact the military mission. The Regional Coordination Team in the Southwest, comprised of representatives from the military Services, maintains a core objective of proactively protecting DoD military operating areas (MOAs) and installations from incompatible land uses, policies, procedures, and regulations. Elements of this core objective are visually represented with the following diagram:



Early engagement with the military and external stakeholders provides the necessary awareness and education towards establishing policies, plans and procedures to promote compatibility with military operations while balancing economic prosperity, stewardship of the environment and quality of life.

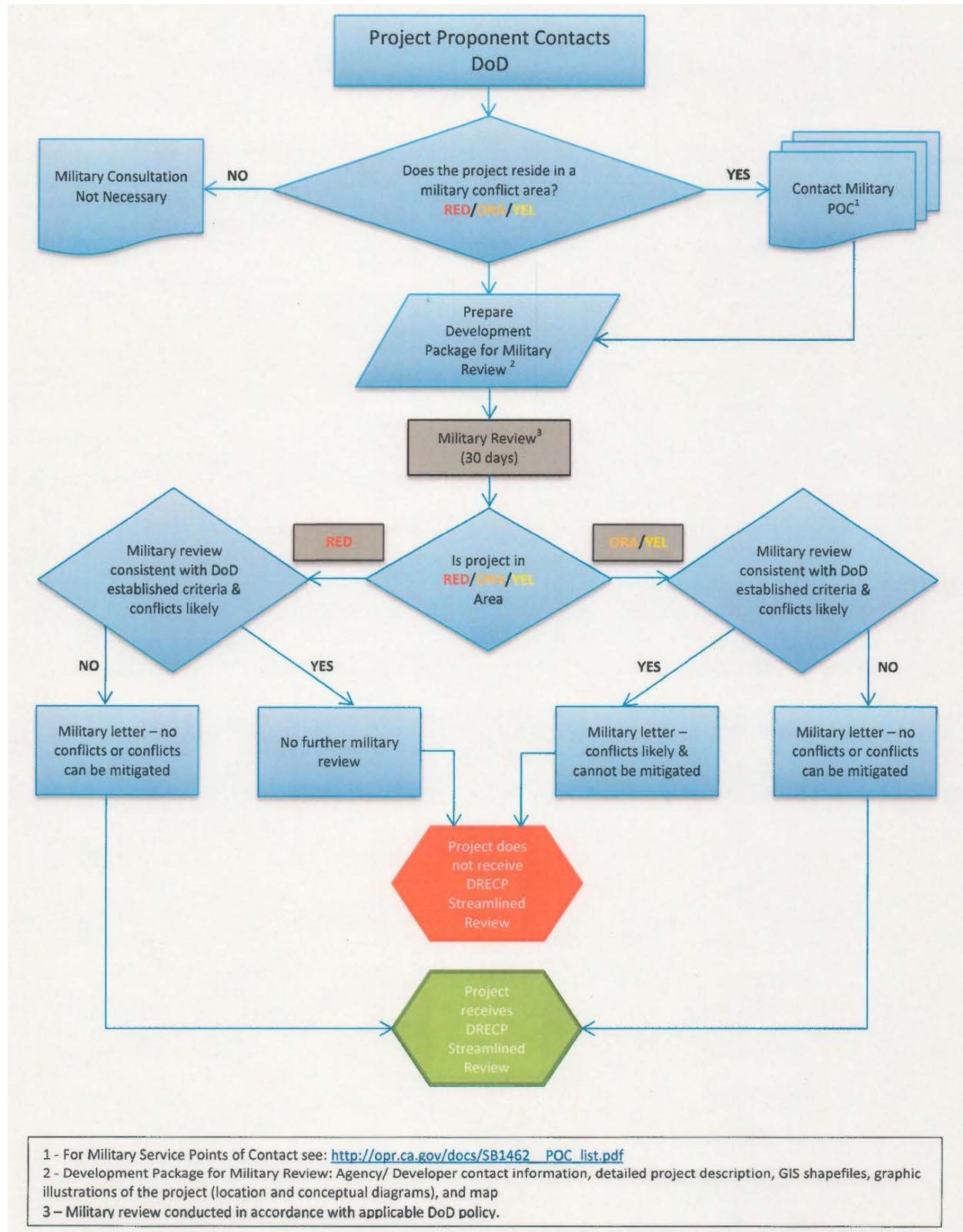
The military is committed to working with state and local governments and the public to plan wisely for compatible land use and resource protection in areas potentially affected by military operations. Without collaboration, critical training and testing missions could be compromised, thus affecting the military's ability to properly deploy and defend the United States of America.

To this end, and to support the initiative of the Desert Renewable Conservation Plan (DRECP), the Department of Defense (DoD) provided review and input for the planning areas proposed in the DRECP. The results were captured in a comprehensive matrix detailing potential military operational constraints by Development Focus Areas. DoD outlined three key elements for consideration and inclusion into the DRECP:

- a. No streamlining of projects within "Red Areas" identified by DoD unless a written letter is provided by the DoD Siting Clearinghouse stating military impacts have been mitigated.

- b. Streamlining of projects within “Orange and Yellow Areas” permitted following consultation with DoD at the regional level that results in a DoD assessment of no mission impact. DoD regional level shall have 30 days to determine mission impact assessment. However, within the 30 day DoD review period, should DoD assess that the project might result in a significant possibility of an unacceptable risk to national security, then such project shall not be streamlined, and referred to the DoD Siting Clearinghouse.
- c. Notification to DoD at the regional level for a military impact assessment and determination to streamline a project within the DRECP planning area shall follow DoD Service level points of contacts established by SB 1462.

**DRECP MILITARY PROJECT SCREENING AND REVIEW PROCESS**



1 - For Military Service Points of Contact see: [http://opr.ca.gov/docs/SB1462\\_POC\\_list.pdf](http://opr.ca.gov/docs/SB1462_POC_list.pdf)  
 2 - Development Package for Military Review: Agency/ Developer contact information, detailed project description, GIS shapefiles, graphic illustrations of the project (location and conceptual diagrams), and map  
 3 - Military review conducted in accordance with applicable DoD policy.

## PROTECTION OF MILITARY OPERATION AREAS – A COLLABORATIVE EFFORT

To further collaboration between the military and local jurisdictions, Senate Bill 1462 (2004) created a notification process to inform the military of local land use proposals that might have an impact on military facilities and operations in order to prevent land use conflicts with military installations and training activities. Specifically, the bill amended California Government Code Sections 65352(a)(6), 65404, 65940, and 65944(d)(1), and required local governments to: 1) revise their development permit application forms to require identification of whether the proposed project is within 1,000 feet of a military installation, beneath a low-level flight path, or within special use airspace and 2) notify the military when a proposed project, or an updated or revised general plan, might have an impact on military facilities and operations. Such projects include wind turbines, met towers, solar energy facilities, cell towers, and geothermal plants.

Senate Bill 1468 (2002) updated California Government Code Section 65302 (a)(2) to include consideration of impacts to the military's operations in local government's planning process. The law states that the land use element of the General Plan: "shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace."

Engagement includes the implementation of SB 1462 and SB 1468 through outreach and coordination of projects in and around military operation areas and installations. These engagements have resulted in numerous cities and counties implementing policies and procedures to ensure notice and early collaboration of proposed plans and projects.

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### GOVERNOR'S MILITARY COUNCIL

On March 28, 2013 Governor Brown announced the creation of the Governor's Military Council. The goal of the council is to maintain California's importance in the military's mission. The Council, made up of 18 members including military leadership from all branches, civic leadership and state leadership, communicates military missions, goals and values to state leaders to ensure that the military's mission in California is protected.

<http://gov.ca.gov/news.php?id=17973>

### GOVERNOR'S ADVISOR FOR MILITARY AFFAIRS

Executive Order S-16-06 established the Governor's Advisor for Military Affairs within the Governor's Office of Planning and Research (OPR). Under this executive order, OPR supports the implementation of state policies that affect the military, including land use planning, regulatory activities by state agencies, and state legislation. To that end, OPR is working to foster communication and encourage collaboration between local governments and the military on land use planning and development issues in California. The Governor's Advisor for Military Affairs works closely with all branches of the military on areas of mutual concern and priority.

Areas of focus include:

1. Reducing land use conflicts
2. Compatible energy development
3. Military compliance with state regulations

For more information see: [http://opr.ca.gov/s\\_military.php](http://opr.ca.gov/s_military.php)

## STRATEGIC COORDINATION AND ENGAGEMENT PROGRAM

The goal of the Program is for the state and the military to work collaboratively with local governments to promote compatible land use planning. This program fosters partnerships and provide tools, staff support, mapping capability, data sharing and information to local governments to assist in development, adoption, and implementation of local polices and ordinances.

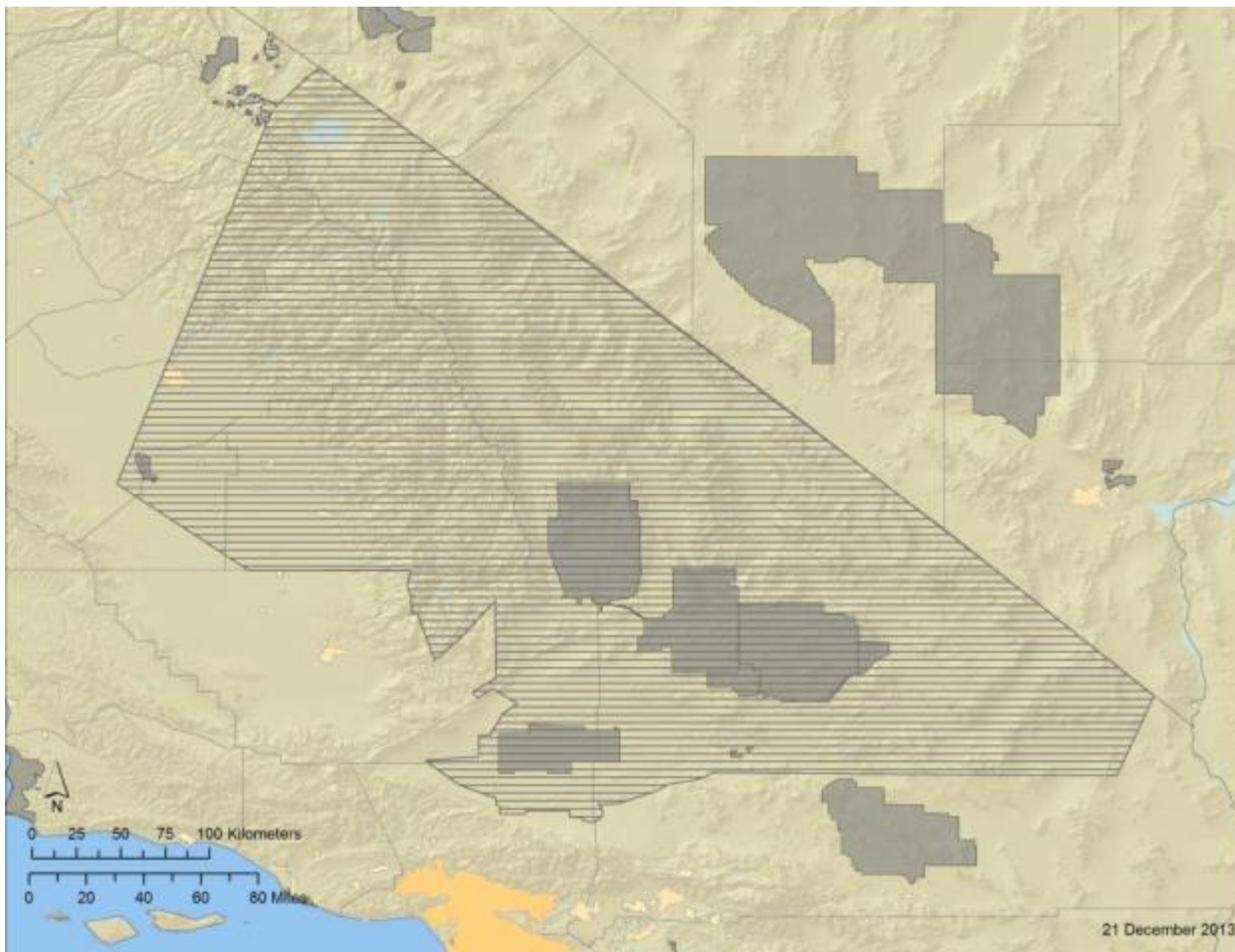
The program provides direct outreach and support to cities and counties to comply with existing statutory mandates to notify the military of potential land use conflicts, and helps develop policies at the local level to ensure the viability and sustainability of active military operations and avoid project-specific conflicts.

In addition to early coordination, and notification of proposed new development, OPR works with the military and local land use agencies and elected officials to incorporate provisions into city and county General Plans and implementing ordinances to establish project review and permitting procedures that foster land uses that are compatible with military operations. Overall the program seeks to balance and integrate California's goals for growth, renewable energy development, and natural resource protection with the mission of the military in California and each local government's land use priorities.

## WIND TURBINE AREA OF CONCERN (CALIFORNIA)

The Navy at China Lake and Air Force at Edwards AFB conduct testing and evaluation of aircraft and weapons systems.

Wind turbines built within the radio frequency line of sight of some systems being tested or the instrumentation that is used to support testing may have a significant adverse impact to testing and evaluation activities depending on height and distance from the station. The map below shows the area in which there is a high probability that wind turbines will impact Navy or Air Force testing and a high likelihood of an unacceptable risk to national security.



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## PLANNING COLLABORATION AND NOTIFICATION

California Public Resources Code §21098(b), as part of the California Environmental Quality Act (CEQA), requires that if the military notifies the lead agency regarding specific boundaries of a low-level flight path, military impact zone, or special use airspace, the lead agency shall provide notice to the military of projects if the project is within those boundaries and if: (1) the project includes a general plan amendment; (2) the project is of statewide, regional, or area-wide significance; or (3) the project is required to be referred to the airport land use commission, or appropriately designated body. See CA Public Resource Code §21098(b):

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=21001-22000&file=21080-21098>

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## COORDINATION WITH DOD REGARDING ENERGY PROJECTS

California Public Resources Code Section §25519.5 (added by SBX1 2, Ch. 1, 2011) requires applicants to the Public Utilities Commission for certain electrical power facilities, who must already provide notice to various affected entities, must also inform the Department of Defense of any proposed project “within 1,000 feet of a military installation, or [that] lies within special use airspace or beneath a low-level flight path.” Additionally, if DoD provides the applicant with information regarding potential impacts on national security, including impacts on land, sea and airspace for conducting operations, training, research, development, testing and evaluations of weapons, sensors and tactics, the applicant must include DoD’s information in its application or, if the information is received after the application is filed, forward the information to the Public Utilities Commission on receipt. Cal. Gov. Code §25519.5:

[http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb\\_0001-0050/sbx1\\_2\\_bill\\_20110412\\_chaptered.html](http://www.leginfo.ca.gov/pub/11-12/bill/sen/sb_0001-0050/sbx1_2_bill_20110412_chaptered.html)

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## WIND ENERGY COORDINATION WITHIN THE R-2508 COMPLEX

California Government Code §65892.13 (11) (S.B. 1989 of 2002) requires a local agency to forward a copy of an application to install a small wind energy system within the restricted airspace of "R-2515" to the governing authority of that airspace if that authority has filed a "detailed diagram of that restricted airspace." The local agency shall consider written comments provided by the R-2515 governing authority before acting on such applications.

Cal. Gov. Code §65892.13:

[http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb\\_1951-2000/sb\\_1989\\_bill\\_20020903\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/01-02/bill/sen/sb_1951-2000/sb_1989_bill_20020903_chaptered.pdf)

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## REAL ESTATE DISCLOSURE REQUIREMENTS

The Department of Real Estate requires the “Disclosure of Former Ordnance Locations” for residential real property. For purposes of this section, “former federal or state ordnance locations” means an area identified by an agency or instrumentality of the federal or state government as an area once used for military training purposes which may contain potentially explosive munitions. Cal. Civ. Code section 1102.15 information on disclosure requirement: <http://www.dre.ca.gov/files/pdf/re6.pdf>.

## GUIDE BOOKS

OPR has also put together two guidebooks to aid local land use planners in how to address military compatibility issues:

- ❖ “California Advisory Handbook for Community and Military Compatibility Planning”
- ❖ “Community and Military Compatibility Planning: Supplement to the General Plan Guidelines”

In addition the Office of Economic Adjustment (OEA), created the “Practical Guide to Compatible Civilian Development Near Military Installations,” in July 2005 to provide a menu of tools and strategies that help maintain compatibility between community land uses and military activities. To accomplish this, the Guidelines present available planning tools, best practices, and processes. This information will allow local planners, builders, and the military to share information and communicate in a timely and proactive way so that all parties can make fully informed land use decisions.

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### ADVISORY HANDBOOK FOR COMMUNITY AND MILITARY COMPATIBILITY PLANNING

The Governor's Office of Planning and Research (OPR) collaborated with local, state, and federal stakeholders to develop and produce the *Advisory Planning Handbook* (Handbook) in compliance with SB 1468 (Knight, Chapter 971, Statutes of 2002). The Handbook's primary purpose is to provide guidance to cities, counties, property owners, developers, and military personnel on how best to foster collaboration.

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### COMMUNITY AND MILITARY COMPATIBILITY PLANNING SUPPLEMENTS TO THE GENERAL PLAN GUIDELINES

The purpose of the *Community and Military Compatibility Planning, Supplement to the General Plan Guidelines* (Supplement) is to assist cities and counties in addressing military compatibility issues when developing, updating or significantly amending their general plans. These guidelines are the result of the passage of Senate Bill 1468 (Knight, 2002) and Senate Bill 1462 (Kuehl, 2003), which outline the responsibilities of cities and counties regarding the military in the planning and land use decision-making process. The Supplement provide direction and samples of the implementation of both the Senate Bills described in previous sections including sample from General Plans with military language.



## SAMPLE LANGUAGE – GENERAL PLAN LAND USE ELEMENT COMMUNITY & MILITARY LAND USE PLANNING

### I. Introduction

The goal of California’s Legislative efforts and State Planning Guidance related to community and military compatibility planning is to “integrate balanced and compatible land use development in areas where military readiness activities occur. This include[s] military installations, ranges, and associated airspace.” (SB 1468 (2002), SB 1462 (2004), *General Plan Guidelines, California Advisory Handbook for Community and Military Compatibility Planning*).

The following sample General Plan goals, policies, and implementation measures can be used as a starting point to address military sustainability when updating or revising the general plan, primarily the land use element. These suggestions can also be used to form the basis for an optional military element or to update individual elements within the general plan. Each community will have different issues and needs. A jurisdiction must decide whether these examples address their particular situation. Each of the examples provided should be tailored to address the needs and issues facing the specific county or city and the military installations and operational areas impacted. The County should work with local military activities to help identify military operations within its jurisdiction and appropriate language to describe those operations for inclusion in the General Plan.

General information about military operation areas is available through the California Military Land Use Compatibility Analyst at: <http://cmluca.projects.atlas.ca.gov/> and in the *California Advisory Handbook for Community and Military Compatibility Planning* at [www.opr.ca.gov](http://www.opr.ca.gov) on the OPR publications page.

Specific information about military operations areas within your County or City should be discussed with your local military activity points of contact or Department of Defense (DOD) Service points of contacts established by SB 1462. This list is available at: [http://opr.ca.gov/docs/SB1462\\_\\_POC\\_list.pdf](http://opr.ca.gov/docs/SB1462__POC_list.pdf)

### II. Purpose and Use of General Plan Language

California Government Code Section 65302 requires cities and counties to consider military readiness activities in the general plan. The sample Land Use Element language below is drafted so that a jurisdiction can use it verbatim in its General Plan, or edit it as necessary. This sample language has been developed through a partnership between OPR and the military to assist cities and counties in meeting statutory requirements. The sample language does not represent a directive from OPR or the Department of Defense.

The sample land use element language has been drafted for use by local governments that include military operational areas and/or military installation(s) within their jurisdiction. The military uses land within and airspace over many Cities and Counties in California for training, testing and operations.

Jurisdictions with a military operational area and/or installation within their boundaries should consult with the local activity point of contact or DoD Service points of contacts established by SB 1462 regarding land use planning actions. The language in this document could be tailored to meet the characteristics of the jurisdiction in consultation with the military to apply to issues that are specific to the operations within their jurisdiction.

#### Land Use Element Sample Language

The military is responsible for installations, ranges, airspace, and facilities in the interest of national security. These Military Operations Areas (MOAs), as shown in Figure XX (Note: the figure will show the operations areas in and around military installations and associated training & testing areas), require coordination to ensure that adjacent land uses and those land uses within the vicinity of Military Operations Areas are compatible with military training and testing missions.

Recognizing the importance of the Military's mission in California and the jurisdiction's role in land use planning, the General Plan shall consider the impact of new growth on military readiness activities carried out in the jurisdiction when designating land uses and proposing zoning ordinances on lands adjacent to military facilities or underlying designated military operational areas.

The General Plan shall implement a process to identify, coordinate and assist in resolving potential land use conflicts within or under MOAs to ensure that new development is compatible with military operations and safeguard mission training and testing requirements. New development shall be reviewed and regulated to avoid impact to MOAs and maintain public safety.

*Goal:*

- I. Create a process to identify, coordinate and assist in resolving potential land use conflicts within the MOAs to ensure that new development is compatible with military operations and to safeguard mission training and testing requirements, support military readiness, and enhance safety for military personnel and residents.
- II. The General Plan shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses. (See: Gov. Code § 65302(a)(2).)

*Policies:*

- I. To ensure early notification to the military of proposed development projects within MOAs, implement California Government Code sections 65940 and 65944 to facilitate the exchange of project related information pertinent to military operations within the MOAs.
- II. The County shall evaluate the potential impact of new developments proposed within the MOAs to ensure the safety of the residents and continued viability of military operations within the MOAs.
- III. Utilize the zoning ordinance to require discretionary review of all proposed development projects within the MOAs that could impact military operations.
- IV. The County shall coordinate with local military activities or the Department of Defense Service points of contacts established by SB 1462 to site new development in a manner that does not impact military readiness. Issues to be considered include, but are not limited to, electromagnetic interference, frequency spectrum interference, land use type and density, light and glare, heat generation, dust, equipment testing and operation, personnel training, and flight operations.

*Implementation Measures:*

- I. In accordance with Gov. Code. § 65940, facilitate the exchange of project related information pertinent to military operations by amending County development applications to include whether a proposed development project is located within 1,000 feet of a military installation, beneath a low-level flight path, within training and testing areas, or within special use airspace as defined in Section 21098 of the Public Resources Code., and within an urbanized area as defined in Gov. Code § 65944). (See: Gov. Code § 65940 (a), (b) (1).)
- II. In accordance with Gov. Code § 65944, the County shall amend the development application to indicate whether the proposed project is located in an area that is within 1,000 feet of a military installation, beneath a low-level flight path, within training and testing areas, or within special use airspace. The County shall forward a complete copy of the development application to each branch of the United States Armed Forces that is on the point of contact list maintained by the Governor's Office of Planning and Research. This coordination with the military is to site projects in a manner that does not negatively impact military operations or readiness.

Issues which shall be considered in this coordination process include, but are not limited to:

- Uses that release into the air any substance, such as steam, heat, or dust, that may impact military operations or impair visibility;
- Uses that generate electromagnetic interference, frequency spectrum interference, or which may interfere with onboard radar or radio communications;
- Uses that produce light emissions, distracting lights, or glare which could interfere with vision or be mistaken for airfield lighting;
- Uses that produce heat which could interfere with testing of and training with certain types of sensors and weapons;
- Uses that create a strain on natural and/or cultural resources that may inadvertently impact the military mission via unintended consequences.
- Uses that penetrate or physically obstruct any portion of the MOA due to relative height above ground level;
- Activities which may impact equipment testing or operation, personnel training, or flight operations; and
- Land use type and density to minimize incompatibility within the MOA.
- For the purpose of determining whether a project penetrates the defined floor elevation of an MOA, a “penetration” means physical obstruction from a structure or object, or visual obstruction such as from steam or dust.

The land use jurisdiction shall also consider military operations and readiness issues in other elements of the General Plan as appropriate and may also consider a military element, or incorporation of military compatibility concerns into other optional elements such as an energy element.

*Goal:*

- III. Create a process to identify, coordinate and assist in resolving potential land use conflicts within the MOAs to ensure that new development is compatible with military operations and to safeguard mission training and testing requirements, support military readiness, and enhance safety for military personnel and residents.
- IV. The General Plan shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances or designating land uses. (See: Gov. Code § 65302(a)(2).)

*Policies:*

- i. To ensure early notification to the military of proposed development projects within MOAs, implement California Government Code sections 65940 and 65944 to facilitate the exchange of project related information pertinent to military operations within the MOAs.
- ii. The County shall evaluate the potential impact of new developments proposed within the MOAs to ensure the safety of the residents and continued viability of military operations within the MOAs.
- iii. Utilize the zoning ordinance to require discretionary review of all proposed development projects within the MOAs that could impact military operations.
- iv. The County shall coordinate with local military activities or the Department of Defense Service points of contacts established by SB 1462 to site new development in a manner that does not impact military readiness. Issues to be considered include, but are not limited to, electromagnetic interference, frequency spectrum interference, land use type and density, light and glare, heat generation, dust, equipment testing and operation, personnel training, and flight operations.

**Consideration of Other General Plan Elements**

For jurisdictions with a base or installation within their jurisdiction, the local government should consider how its General Plan policies will affect military operations, readiness, ingress and egress, buffer zones, and land uses. Generally, these policies will be applicable to the Circulation, Housing, Noise, Safety, Open Space, and

Conservation Elements of a General Plan, but consultation with the local installation point of contact is needed to incorporate specific policies that will be unique to each installation. In many cases, the jurisdiction will already have a strong working relationship and contact information for the installation, but DoD Service points of contacts established by SB 1462 can assist in developing points of contacts for the installation in your community.

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FINAL & ADOPTED – COUNTY GENERAL PLAN AND ZONING AMENDMENTS

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BUTTE COUNTY

**Coordination Start:** April 2011

**Overview:**

Butte County has three military training routes used for low-level operations. These testing and training operations can occur between 200 and 500 feet above the ground level. The Military and Butte County began discussing the specific operations in the County and the desire to foster compatible land uses including collaboration of projects with the potential to impact military operations. The Military presented these concepts to the Planning Commission to provide members an awareness of military operations within their jurisdiction. The Planning Commission provided support for County staff to begin drafting military language for the General Plan and Zoning Code.

After collaboration with the Butte County planning staff, draft language was produced and presented to the Planning Commission where it underwent a second series of changes. The language was presented to the Board of Supervisors in December 2011 where the Board of Supervisors agreed to the proposed General Plan language that recognized Military Training Routes and overlay exhibit depicting MTRs and floor elevations. After the environmental review under California Environmental Quality Act was completed in 2012, and the General Plan with proposed draft zoning overlay language was scheduled for a public hearing. The final General Plan and zoning ordinance establishing MOA overlay was approved in November 2012.

**Next Steps:** The Military will support the County by providing input on implementation measures.

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BUTTE COUNTY GENERAL PLAN

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The General Plan represents the basic community values, ideals and aspirations with respect to land use, development and conservation policy that will govern Butte County through 2030. This General Plan addresses all aspects of development, including land use; circulation and transportation; open space, natural resources and conservation; public facilities and services; safety; and noise.

The preparation of a General Plan is required by California Government Code Section 65302. California Government Code Section 65300 requires the General Plan to be comprehensive and internally consistent, and to provide long-term guidance for the community. Although the General Plan is required to address the issues specified by State law, it may be organized in a way that best suits Butte County.

This General Plan supersedes the previous General Plan with its various elements that were adopted between 1971 and 1995, as well as the previous Housing Element that was adopted in 2004 and updated in 2009. The General Plan will be implemented through updates to other planning documents to bring them into consistency with the vision outlined in the Butte County General Plan 2030.

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*Cooperative Planning.*

Through the Butte County General Plan and the municipalities' General Plan update processes, the County will partner with municipalities, special districts and unincorporated communities on important regional planning issues. Furthermore, the County will collaborate with the military to ensure the land uses within military operating areas (MOAs) are compatible with the military mission.

## **LAND USE ELEMENT**

The Land Use Element shapes the future physical development of Butte County and works to conserve and enhance the current livability and quality of life for Butte County residents. The Land Use Element is not designed to discourage or promote development, but rather to describe the manner in which development should be managed in the event that it does occur. As required by California Government Code Section 65302(a) (see Appendix A) and Public Resources Code Section 2762(a), the Land Use Element of the General Plan addresses the following issues:

- Distribution, location and extent of the uses of land for housing, business, industry, open space, natural resources, recreation and enjoyment of scenic beauty, education, public buildings and grounds and other categories of public and private uses of land.
- Standards of population density and building intensity for land use designations.

This Element presents land use and overlay designations and the associated land use map, and discusses the Area Plans, Specific Plans, and Planned Unit Developments that are anticipated under this General Plan. The Land Use Element is divided into the following sections:

- **Background Information.** Provides details on jurisdictional boundaries, existing land uses, and planning efforts in Butte County. An expanded discussion about land use in Butte County is available in Chapter 1 (Land Use) of the Butte County General Plan 2030 Setting and Trends Report.
- **General Plan Land Use Designations.** Describes the characteristics and intensity of each land use designation and contains a map of the application of these designations.
- **General Plan Overlays.** Describes the characteristics of each General Plan overlay.
- **Area Plans, Specific Plans, and Planned Unit Developments.** Describes the Area Plan, Specific Plans, and Planned Unit Developments that are to be developed under this General Plan, and provides a general overview of how these areas will develop in the future.
- **Land Use Map.** Illustrates the location and extent of land use designations on each parcel of land in the unincorporated area.
- **Goals, Policies, and Actions.** Provides guidance to Butte County related to land use decisions.

## **MILITARY PLANNING**

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California Government Code Section 65302 (a)(2) (see Appendix A), states that the land use element: "shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace."

In guiding growth and development in Butte County, it is important to consider the critical role of Military Operations Area (MOAs) in support of national defense. Within Butte County there are several MOAs that function as “highways in the sky” used by military aircraft to practice high- and low altitude training exercises and routes used to traverse between military installations. Any development or new construction that seriously impacts or hinders the MOA’s function and viability is considered an incompatible land use. Planning to ensure that all future land uses are compatible must be an overarching goal of the Butte County General Plan, and is addressed in this Land Use Element.

## LAND USE GOAL LU-17

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**Goal LU-17** Identify, coordinate and assist in resolving potential land use conflicts within the Military Operations Areas (MOAs) to ensure that new development is compatible with military operations and to safeguard mission training requirements and support military readiness.

### POLICIES

**LU-P17.1** To ensure early notification to the military of proposed discretionary development projects within Military Operations Areas (MOAs,) the County will implement California Government Code Sections 65352 (a)(5) and (6)(A) (see Appendix A), 65940 (see Appendix A), and 65944 (see Appendix A) to facilitate the exchange of project-related information pertinent to military operations within the MOAs.

**LU-P17.2** The County will evaluate the potential impact of new structures proposed within the Military Operations Areas (MOAs) shown in Figure LU-5 (see Appendix B) to ensure the safety of the residents on the ground and continued viability of military operations within the MOAs.

**LU-P17.3** The County will utilize the Zoning Ordinance (including but not limited to minor use permits) to require discretionary review of all proposed development projects within the Military Operations Areas (MOAs) shown in Figure LU-5(see Appendix B) that may produce height obstructions, glare, smoke, dust, and steam that could impact military operations.

**LU-P17.4** The County shall coordinate with the military experts to site new structures in a manner that does not significantly impact military readiness. Issues to be considered include light and glare, heat generation, smoke, dust, equipment testing and operation, personnel training, and flight operations.

### GENERAL PLAN OVERLAYS

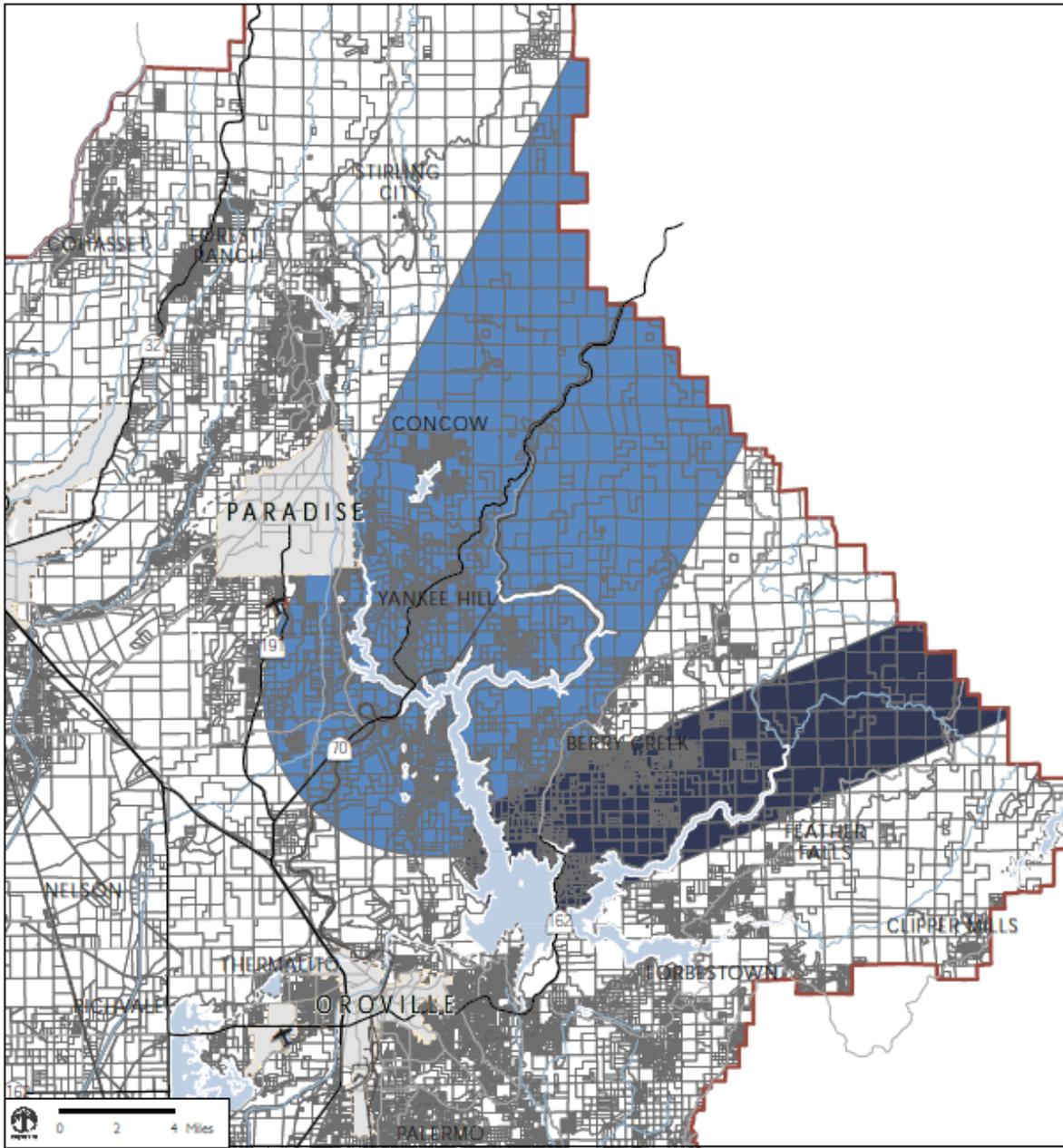
This section describes the overlays of the General Plan. An overlay is applied over an underlying land use designation. Overlays provide more specific regulations than the underlying designation, or they identify the area for a future planning effort such as an area plan or specific plan. These overlays are described below and in Table LU-4 (see Appendix B). The overlays are displayed in Figure LU-3 (see Appendix B), with the exception of the Deer Herd Migration Area Overlay, which is displayed separately in Figure LU-4 (see Appendix B), and the Military Airspace Overlay, which is displayed separately in Figure LU-5 (see Appendix B). In addition, the Airport Land Use Compatibility Zones within the Airport Overlay are shown in Figure LU-6 (see Appendix B).

### MILITARY AIRSPACE OVERLAY

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**Military Airspace Overlay** This overlay pertains to areas that are located within the MOAs, as depicted in Figure LU-5. The MOAs are comprised of a three dimensional airspace designated for military training and transport activities that have a defined floor (minimum altitude) and ceiling (maximum altitude).

**BUTTE COUNTY  
GENERAL PLAN 2030  
LAND USE ELEMENT**



Source: Naval Facilities Engineering Command, 2011.

- Military Airspace Overlay**
- Military Review of Structure Over 200 feet
  - Military Review of Structures Over 500 feet
  - Airports
  - Highways
  - Railroad
  - Major Roads
  - County Boundary
  - Sphere of Influence
  - City/Town Limits

**FIGURE LU-5  
MILITARY AIRSPACE OVERLAY**

## CONSERVATION AND OPEN SPACE ELEMENT

State law requires that a General Plan include both a Conservation Element and an Open Space Element. The Butte County General Plan 2030 (see Appendix B) combines these two elements into a single Conservation and Open Space Element that addresses their similar and overlapping concerns.

As required by State law, this Element addresses the conservation, development and utilization of natural resources, including forests, soils, rivers and other waters, fisheries, wildlife, minerals, water and hydrology. This Element also addresses the protection of cultural resources, including archaeological resources, historic resources and Native American cultural resources. The Government Code also identifies a series of six types of open space which must be addressed in the General Plan. Most of these types of open space are covered in this Conservation and Open Space Element, while a few are covered elsewhere in this General Plan. Table COS-1 (see Appendix B) lists all six types and tells where they are addressed in this General Plan.

This Conservation and Open Space Element also prevents incompatible development and encroachment upon the Military Operations Areas (MOA's). Open space areas can simultaneously support agriculture, protect critical habitat and endangered species, and function as a buffer between active MOAs and neighboring residential land uses.

This Element also addresses air quality since clean air is an important natural resource and a vital component of a healthy environment.

## CONSERVATION AND OPEN SPACE GOAL COS-3

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**Goal COS-3** Promote a sustainable energy supply.

### POLICIES

**COS-P3.1** The expansion and increased efficiency of hydroelectric power plants in the county shall be encouraged, provided that such plants can be expanded and that significant adverse environmental impacts associated with such plants can be successfully mitigated.

**COS-P3.2** The development of renewable fuel sources in the county shall be encouraged, provided that such fuel sources can be built or expanded and that significant adverse environmental impacts associated with such development can be successfully mitigated.

**COS-P3.3** Utility lines shall be constructed along existing utility corridors wherever feasible.

**COS-P3.4** Solar-oriented and renewable design and grid-neutral development shall be encouraged.

**COS-P3.5** Developers shall give homebuyers the option of having renewable heat and power incorporated into new homes.

**COS-P3.6** Alternative energy sources such as solar shall continue to be used for County facilities, which set an example for others to follow.

**COS-P3.7** Wind power generation facilities, solar power generation facilities, and other alternative energy facilities shall be encouraged in all General Plan land use designations, consistent with zoning provided that significant adverse environmental impacts associated with such development can be successfully mitigated. All new proposed energy projects shall be compatible with the Military Operations Areas (MOAs) shown on Figure LU-5 (see Appendix B).

## ACTIONS

**COS-A3.1** Prepare a countywide Alternative Energy Promotion Study that will include the following:

- a. Identify possible sites and resources for the production of energy using local renewable resources such as solar, wind, small hydro and biogas. Projects shall be located in areas compatible with the Military Operations Areas (MOAs) shown on Figure LU-5 (see Appendix B).
- b. Evaluate potential land use, environmental, economic and other constraints affecting renewable energy development.
- c. Identify measures to protect renewable energy resources such as utility easements, rights-of-way and land set-asides.
- d. Evaluate the feasibility of Community Choice Aggregation (CCA) for the County. CCA allows cities and counties, or groups of them, to aggregate the electric loads of customers within their jurisdictions for purposes of procuring electrical services. CCA allows the community to choose what resources will serve their loads and can significantly increase renewable energy. If CCA is ultimately not pursued, evaluate the feasibility of purchasing renewable energy certificates to reduce the County's contribution to greenhouse gas emissions related to County electricity use.
- e. Evaluate permit processes for approval of small-scale wind and solar energy systems for on-site home, small commercial and farm use.

## CONSERVATION AND OPEN SPACE GOAL COS-7

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**Goal COS-7** Conserve and enhance habitat for protected species and sensitive biological communities.

### POLICIES

**COS-P7.1** Conservation easements that protect habitat areas, habitat corridors and sensitive biological resources shall be promoted.

**COS-P7.2** Clustered development patterns shall be encouraged in order to conserve habitat for protected species and biological resources.

**COS-P7.3** Creeks shall be maintained in their natural state whenever possible, and creeks and floodways shall be allowed to function as natural flood protection features during storms.\*

**COS-P7.4** New development projects shall mitigate their impacts in habitat areas for protected species through on- or off-site habitat restoration, clustering of development, and/or project design and through the provisions of the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) within the HCP/NCCP Planning Area, upon the future adoption of the HCP/NCCP.\*

**COS-P7.5** No new development projects shall occur in wetlands or within significant riparian habitats, except within the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.\*

**COS-P7.6** New development projects shall include setbacks and buffers along riparian corridors and adjacent to habitat for protected species, except where permitted in the Butte Regional Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) Planning Area and where such development is consistent with the conditions of the HCP/NCCP, upon the future adoption of the HCP/NCCP.\*

**COS-P7.7** Construction barrier fencing shall be installed around sensitive resources on or adjacent to construction sites. Fencing shall be installed prior to construction activities and maintained throughout the construction period.\*

**COS-P7.8** Where sensitive on-site biological resources have been identified, construction employees operating equipment or engaged in any development-associated activities involving vegetation removal or ground disturbing activities in sensitive resource areas shall be trained by a qualified biologist and/or botanist who will provide information on the on-site biological resources (sensitive natural communities, special status plant and wildlife habitats, nests of special-status birds, etc.), avoidance of invasive plant introduction and spread, and the penalties for not complying with biological mitigation requirements and other State and federal regulations.\*

**COS-P7.9** A biologist shall be retained to conduct construction monitoring in and adjacent to all habitats for protected species when construction is taking place near such habitat areas.\*

**COS-P7.10** Long-term recovery plans for areas affected by wildfire shall incorporate native species and enhance wildlife habitat.

**COS-P7.11** The County shall work with the military to ensure that land uses under the Military Operations Areas (MOAs) encourage the fulfillment of the County's biological resource protection goals.

#### **ACTIONS**

**COS-A7.1** Develop and provide incentives to developers to conserve and maintain important habitat areas and sensitive biological resources.

**COS-A7.2** Develop a set of guidelines for evaluating development project impacts to habitat in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, as well as for requiring specific mitigations for impacts that are identified.

**COS-A7.3** Establish a mitigation bank program for impacts to habitats for protected species, such as oak woodlands, riparian woodlands and wetlands, in locations outside of the approved Butte Regional Habitat Conservation Plan and Natural Community Conservation Plan Planning Area, using mitigation fees on new development projects as a funding mechanism.

**COS-A7.4** Seek funding to conduct a study to develop an approach to protecting significant specimen trees and tree groves.

#### **CONSERVATION AND OPEN SPACE GOAL COS-13**

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**Goal COS-13** Coordinate with the Beale Air Force Base and the Department of Defense (DoD) on planning issues within the Military Influence and Operating Areas.

#### **POLICIES**

**COS-P13.1** Beale Air Force Base and the Department of Defense (DoD) shall be consulted for review and comment on proposed development projects, General Plan changes, zoning changes, specific plans and other comprehensive plans within the Military Influence Area for Beale Air force Base and throughout the county for the DoD that have the potential for significant regional impacts.

**COS-P13.2** The County shall consider the needs of the Beale Air Force Base for new and expanded infrastructure, as well as on-going maintenance needs for those infrastructure systems, within the Military Influence Area.

**COS-P13.3** The County shall utilize the Zoning Ordinance to require review of all proposed development projects within the Military Operations Areas (MOAs) shown in [Figure LU-5](#) (see Appendix B)

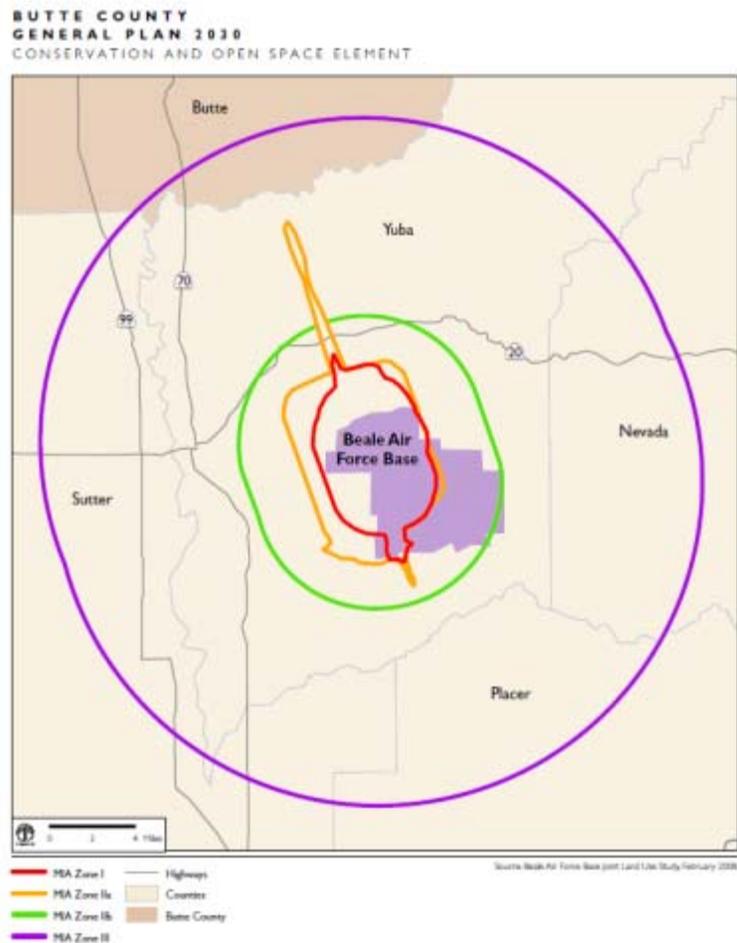
There are no military installations located within Butte County. However, Beale Air Force Base is located in neighboring Yuba County, and a portion of unincorporated Butte County is included within its Military Influence Area (MIA). The purpose of the MIA is to ensure compatibility between military land uses and adjacent community land uses. The MIA encompasses approximately 19,060 acres in the southeastern portion of Butte County as shown in [Figure COS-6](#) (see Appendix B). All of the MIA within Butte County is part of MIA Zone III, which is the furthest zone from the Air Force Base and includes areas within 15 miles of the base’s runway.

Beyond the boundaries of the Beale Air Force Base, there are several MOAs also known as “freeways in the sky” that are training routes for the military. The MOAs identify a floor elevation, which is the lowest operating height the aircrafts will fly. MOA boundaries and minimum altitudes are identified in [Figure LU-5](#) (see Appendix B).

To protect the integrity of the MOAs, all new development that could penetrate the defined floor elevation within an MOA shall be subject to discretionary review for hazards to aircraft including but not limited to:

- Uses that release into the air any substance that would impair pilot visibility, such as steam, dust and smoke.
- Uses that produce light emissions, glare or distracting lights that could interfere with pilot vision or be mistaken for airfield lighting.
- Uses that physically obstruct any portion of the MOA due to relative height above ground level.

As Butte County’s population and economic activity grow in the future, public safety within the MOAs shall be coordinated with the military through compatible land use planning. State policy requires collaboration between communities and the military on land use compatibility issues. As such, the military’s operational decisions must take into consideration the community’s land use and economic development plans and programs. Similarly, as communities grow, they must consider the mission of the military installations that operate nearby.



**FIGURE COS-6  
BEALE AIR FORCE BASE MILITARY INFLUENCE AREAS**

**ARTICLE 4: AGRICULTURE ZONES**

**24-14 DEVELOPMENT STANDARDS FOR AGRICULTURAL ZONES**

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A. Agriculture Sub-Zones. The AG zone is divided into five sub-zones, each with its own minimum parcel size. All standards that apply to the AG zone in general also apply to each individual sub-zone, except for minimum parcel area as specified in Table 24-14-1 (Parcel Size and Density for Agriculture Zones) (see Appendix B).

B. Parcel Size and Density. Table 24-14-1 (Parcel Size and Density for Agriculture Zones) (see Appendix B) identifies the parcel size and density standards that apply in the agriculture zones.

C. Setbacks and Height. Table 24-14-2 (Setback and Height Standards for Agriculture Zones) (see Appendix B) identifies development standards that apply in the agriculture zones.

D. Maximum Permitted Height in Agriculture Zones.

1. Residential Structures. The maximum permitted height of residential structures within an agriculture zone is 35 feet.

2. Non-Residential Structures. The maximum permitted height of non-residential structures within an agriculture zone is 50 feet, except as allowed by Subsection 3 below.

3. Exceptions for Non-Residential Structures. Water tanks, graineries, barns, pole buildings, electronic towers, antennas, agricultural processing equipment and silos, aggregate processing equipment, and similar structures associated with agricultural operations may exceed 50 feet in height provided they do not exceed height restrictions in regulated airport approach zones. Such structures shall not exceed the maximum height necessary to perform its intended function. See also Section 24-157 (Alternative Energy Structures) (see Appendix B). concerning the height of alternative energy structures, and Article 26 (Telecommunication Facilities) (see Appendix B). concerning the height of towers, antennas, and similar structures not associated with agriculture. No structures shall exceed the maximum permitted height in areas as specified in Section 24-49 and the County's Military Overlay Zone Map (see Appendix B).

**24-17 DEVELOPMENT STANDARDS FOR NATURAL RESOURCE ZONES**

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A. Parcel Size and Density. Table 24-17-1 (Parcel Size and Density for Natural Resource Zones) (see Appendix B) identifies the parcel size and density standards that apply in the natural resource zones.

B. Setbacks and Height. Table 24-17-2 (Setback and Height Standards for Natural Resource Zones) (see Appendix B) identifies development standards that apply in the natural resource zones.

C. Maximum Permitted Height in Natural Resources Zones.

1. Residential Structures. The maximum permitted height of residential structures within a natural resources zone is 35 feet.

2. Non-Residential Structures. The maximum permitted height of non-residential structures within a natural resource zones is 50 feet, except as allowed by Subsection 3 below.

3. Exceptions for Non-Residential Structures. Water tanks, agricultural processing equipment and silos, aggregate processing equipment, graineries, barns, pole buildings, electronic towers, antennas, and similar structures associated with agricultural and natural resource extraction uses may exceed 50 feet in height provided they do not exceed height restrictions in regulated airport approach zones. Such structures shall not exceed the maximum height necessary to perform its intended function. See also Section 24-157 (Alternative Energy Structures) (see Appendix B) concerning the height of alternative energy structures, and Article 26 (Telecommunication Facilities) (see Appendix B) concerning the height of towers, antennas, and similar structures not associated with agriculture. No structures shall exceed the maximum permitted height in areas as specified in Section 24-49 and the County's Military Overlay Zone Map (see page 20).

#### **ARTICLE 10: OVERLAY ZONES**

The overlay zones in this article establish standards and regulations that apply to specified areas, in addition to the requirements established by the underlying base zone. Whenever a requirement of an overlay zone conflicts with a requirement of the underlying base zone, the overlay zone requirement shall control. Where two or more overlay zone requirements conflict, the Zoning Administrator shall determine the appropriate requirement. For overlay zones that implement an adopted specific plan or neighborhood plan, the standards and regulations from each specific plan or neighborhood plan shall apply.

#### **MILITARY AIRSPACE OVERLAY ZONE (MA)**

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A. Purpose. The regulations of this section shall be applied to protect the public safety of persons residing under Military Operations Area (MOA) by requiring that all new development is compatible with military operations within the MOA. The MOA is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude). Butte County MOA boundaries and minimum altitudes or floor elevations are depicted in the County's Military Overlay Zone Map.

B. Applicability. The regulations set out in this section shall apply in all areas where a MOA is designated in addition to the regulations specified in this title. If any of the regulations specified in this section differ from any corresponding regulation specified in this title for any base zone, then in such case the provisions of this section shall apply.

C. Land Use Regulations.

1. The MOA is established to regulate new development to ensure that it is compatible with military operations. Within the MOA, all new development that could penetrate the defined floor elevation shall require issuance of an Administrative Permit or Minor Use Permit. If the use is already subject to an Administrative Permit, Minor Use Permit, or Use Permit no additional Administrative Permit or Minor Use Permit is required. No permit shall be approved for any use in any zone which is subject to the MOA Overlay until an investigation is conducted by the Planning Director who shall review the proposed project for hazards to aircraft and military operations including but not limited to:

a. Uses that release into the air any substance such as steam, dust and smoke which would impair pilot visibility;

b. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;

c. Uses that physically obstruct any portion of the MOA due to relative height above ground level.

2. For the purposes of determining whether a project penetrates the defined floor elevation of the MOA, a penetration shall mean physical obstructions from a structure or object, and/or a visual obstruction such as steam, dust, and smoke. 3. For the purposes of calculating height of new proposed structures within the MOA, the height of all structures (including wind turbines) shall mean the distance from ground to the top of the highest point of the structure. For wind turbines this shall mean the highest point of the turbine blade in vertical position.

4. For all proposed Administrative Permit, Minor Use Permit or Use Permit applications within the Military Review Areas that could penetrate the defined floor elevation shown in the County's Military Overlay Zone Map, including but not limited to wind energy system permit applications, notice with the project description including location and height, shall be mailed or delivered to the military expert for the Navy Region Southwest who is responsible for operations in the Military Operations Area upon receipt of the application to the Planning Department for review.

D. Special Provisions. Special provisions for a MOA Overlay district shall be as follows:

1. Within the Military Review Areas depicted in the County's Military Overlay Zone Map, any structure or land use that is determined to physically or visually obstruct any portion of the applicable MOA shall not be permitted, established or otherwise constructed unless an Administrative Permit, Minor Use Permit, or Use Permit is granted subject to a finding that the proposed structure or land use will not impact military operations within the MOA as follows:

2. Proposed structures and uses with impacts contained under the floor elevation of the applicable MOA shall be permitted with the issuance of a Administrative Permit, Minor Use Permit or Use Permit upon a finding that;

a. The proposed structure and use does not penetrate the floor elevation of the MOA;

b. That the project is not detrimental to the function of the MOA and would not pose a health or safety hazard to the public and/or military personnel, and;

c. That the proposed structure and use is consistent with all other applicable provisions of this ordinance.

3. Proposed structures and uses with impacts that penetrate the floor elevation of the applicable MOA as determined by the Planning Director during review of the Administrative Permit may only be permitted with the issuance of a Minor Use Permit or Use Permit as follows:

a. Unless the military expert responsible for operations in the Military Operations Area first provides the Planning Director with written concurrence that the height of the proposed structure or use would be compatible with military operations and mission, and notwithstanding any other provisions in this title, no Minor Use Permit or Use Permit may be issued for any structure that is above the floor elevations shown in the County's Military Overlay Zone Map.

b. In instances where the required written concurrence from the military expert is requested but not received within 30 calendar days, the Minor Use Permit may be considered and approved by the Zoning Administrator.

c. Approval of a Minor Use Permit or Use Permit for structures above the floor elevations shown in the County's Military Overlay Zone Map may be approved by the Board of Supervisors upon a finding that the benefits of the requested obstruction into the Military Operating Area outweigh the potential impacts on military flight operations.

d. That the proposed structure and use is consistent with all other applicable provisions of this ordinance.

4. Where a finding is made during the Minor Use Permit or Use Permit review that the proposed structure and use penetrates the MOA floor elevation such that military operations within the MOA are impacted, and that the project is detrimental to the function of the MOA and would pose a health or safety hazard to the public and/or military personnel, the issuance of the Minor Use Permit or Use Permit shall be denied.

#### **ARTICLE 11: HEIGHT MEASUREMENT AND EXCEPTIONS**

This article establishes rules for the measurement of structure height and identifies permitted exceptions to the maximum allowed structure height. Specific height standards are set forth in Part 2 –Zoning Districts, Land Uses, and Development Standards.

#### **24-51 HEIGHT LIMIT EXCEPTIONS**

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A. Telecommunication Facilities. Wireless telecommunications facilities are regulated under Article 26).

B. Alternative Energy Structures. Alternative energy structures are regulated under Section 24- 156 (Alternative Energy Structures).

C. Allowed Exceptions. Towers, gables, spires, cupolas, water tanks, and similar structures, including mechanical appurtenances, may exceed the maximum permitted structure height if all of the following apply:

1. The tower or similar structure covers an area 15 percent or less of the total structure footprint area;
2. The tower or similar structure is not used for sleeping or eating quarters; and
3. The tower or similar structure is used only for purposes incidental to the primary use of the habitable space. See Figure 24-51-1 (Exceptions to Height Limit) (see Appendix B).
4. No structures shall exceed the maximum permitted height in the Military Review Area as identified in the County's Military Overlay Zone Map.
5. For the purposes of calculating height, the height of wind turbines shall mean the distance from ground to top of the blade in vertical position.

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## KERN COUNTY

**Coordination Start:** 2002

**Overview:**

Beyond the boundaries of Edwards Air Force Base and Naval Air Weapons Station China Lake, Kern County has a number of other critical military operating areas. There are 10 low-level military training routes, various military airspace designations, and testing conducted from both installations. Wind energy development presents a particular radar interference & obstruction challenge for military operations in Kern County. Solar energy has a few obstruction & infrared impacts, but can still present challenges to testing and training.

In 2002, the military began discussions with Kern County and the Kern Wind Energy Association (KWEA) regarding the potential impact of wind turbines on military testing and training. They jointly developed a zoning ordinance, commonly referred to as the “Red-Yellow-Green Ordinance,” which was approved by the Board of Supervisors in January 2005. It was modified in 2007.

Kern County was also a cooperating agency for the R-2508 Joint Land Use Study which was completed in 2007.

**Next Step:** Continue to review projects and ensure mitigation of potential impacts to military operations.

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## KERN COUNTY GENERAL PLAN

*All General Plan Amendments, zone changes, conditional use permit, discretionary commercial developments, and variations from height limits established by zoning for properties which are located in the Airport Influence areas or near a military airport shall be reviewed by the Planning Department for compatibility with the Kern County Airport Land Use Compatibility Plan.*

### LAND USE, OPEN SPACE AND CONSERVATION ELEMENT

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#### SECTION 4 NON-JURISDICTIONAL LAND

**Assumptions**

State ownership of land may increase over the next 20 years as a result of conservation programs and related acquisitions. Management of federal lands under the jurisdiction of the Bureau of Land Management and the U.S. Forest Service could change if the focus continues to shift from multiple use and sustained yield to preservation to ensure continued military readiness and enhancing national security. Incorporated cities will continue to expand through annexation to accommodate the anticipated population growth during the planning period.

**Issues**

A potential for land use conflict is created when land management jurisdictions promote more intensive land uses and activities than occurs in unincorporated areas. This often occurs, for example, where urban growth is taking place on the fringe of an incorporated city.

A similar situation could occur on the periphery of a State wildlife refuge or a military installation. Other conflicts can occur with regard to resource uses or mineral production, energy development, livestock grazing, and outdoor recreation.

### **Goals**

To promote harmonious and mutually beneficial uses of land among the various jurisdictions and land management entities present in Kern County.

### **Map Provisions**

**Map Code 1.1 (State and Federal Land)** - Applied to all property under the ownership and control of the various State and federal agencies operating in Kern County (military, U.S. Forest Service, Bureau of Land Management, Department of Energy, etc.).

**Map Code 1.2 (Incorporated Cities)** - Used to identify the areas of cities within the County, which are responsible for the preparation and maintenance of their own General Plans.

### **Policies**

1. Coordination and cooperation will be promoted among the County, the incorporated cities, military bases, and the various special districts where their planning decisions and actions affect more than a single jurisdiction.
2. All nonjurisdictional land, when coming under the jurisdiction of the County such as through a detachment process, shall be deemed to have a Map Code 8.5 (Resource Management) (see Appendix B) designation if vacant. For developed land, the map code which most closely represents the actual land use, as determined by the Planning Director, shall be utilized.
3. The County retains the maximum discretion allowed by law over land use issues of local concern, which impact the development of private and public property in the County.
4. The County will solicit comments and coordinate with local governments, the military, and other federal or State jurisdictions on projects which are proposed within a peripheral area established mutual agreement between the County and the jurisdiction.
5. The County land use regulations do not apply to property administered by the State or federal Government in the absence of Memorandums of Understanding indicating otherwise. However, County land use regulations may apply to other public entities subject to provisions of State law.
6. The County will solicit a city's comments on land use planning proposals within the city's adopted sphere of influence or within one mile of the city limits, whichever is greater.

### **Implementation Measures**

- A. Develop a procedure to assure that the County, the incorporated cities, and other jurisdictions refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation. Comments and discussion should occur if requested by the affected jurisdiction(s).
- B. Review proposed revisions to or amendments of a city's General Plan in either the affected fringe area or adopted sphere of influence to ensure compatibility with County land use plans.

C. Classify nonjurisdictional lands in a zoning category which is consistent with a resource management category.

D. Establish a "Review Area" around each State, military, or other federal jurisdiction. Review development proposals or proposed General Plan Amendments and revisions within the established area with the appropriate agency.

E. Seek Memorandums of Understanding with other governmental entities when the land use proposed requires a discretionary application or coordination through the County Planning Agency as required by State or federal law. These applications include permit(s) subject to the Surface Mine and Reclamation Act (SMARA) of 1975.

F. The County shall consider all public agency comments for land use projects and promote intergovernmental coordination in the provision of land use designations and related public infrastructure.

## **CHAPTER 2 CIRCULATION ELEMENT**

Highways are major avenues for both north-south and east-west traffic within and out of the State of California. Twenty-six percent (and in some instances higher) of all vehicle miles traveled in the County are by truck. This is much higher than the State average. Several highways have more than thirty percent trucks.

Major employers in Kern County are oil and mineral extractors, agriculture, local government and the military. Notable "reverse commute" patterns exist because many residents travel into unincorporated rural areas to work.

Recreation attractions affect travel patterns. Many southern Californians visit Lake Isabella's recreation facilities. Furthermore, Sierra ski areas (such as Mammoth) attract Kern County residents and southern Californians alike.

Kern County serves as a major transportation corridor. Passenger vehicles, motor-homes, and trucks cross Kern County in route to out-of-county and interstate destinations. In addition, rail traffic and pipelines have major routes through Kern County. Interstate 5 is the major north-south freeway through California, Oregon, and the State of Washington. Interstate 5 and Highway 99 connects Kern County to northern and southern California. The County also serves east-west through traffic, on State Route 58 and State Route 46.

AMTRAK provides passenger rail and bus service. Burlington and Northern - Santa Fe, and Southern Pacific Transportation Company provide commercial rail goods shipping. Major oil companies operate most shipping pipelines in the county. There is one common pipeline carrier, Southern Pacific Pipeline.

The Circulation Element uses several "Areas of Focus" as a technique to allow a detailed look at certain County locations. The areas are where staff expects transportation problems to exist or occur in the future. This element focuses on areas where planned land use could tax existing roads.

The Circulation Element includes a countywide Circulation Element diagram map. The original base map scale is 1 to 50,000. U. S. Geological Survey prepared the base map used in this plan. Staff has divided the diagram map into eleven sections. Staff named the diagram map sections for each sub-region portrayed. Figure 6 shows the Circulation Element sectional mapping arrangement.

Kern County and City of Bakersfield have jointly adopted a general plan with its own Circulation Element for the Metropolitan Bakersfield area. Also, there are numerous Accepted County Plan areas (Map Code 4.1) throughout the County. The reader must refer to these plans for Circulation detail and implementation.

The Kern Council of Governments (Kern COG) as a regional transportation agency prepares the Regional Transportation Plan (RTP) to examine long-range transportation issues, opportunities and needs for Kern County. Kern COG also prepares the Regional Transportation Improvement Program and the Federal Transportation Improvement Program, which are funding documents, that implement projects referenced and identified in the RTP. The RTP program helps to implement the Circulation Element.

***The military, via a joint service initiative for protecting the R-2508 operational area, maintains a ex-officio member on this KCOG to help represent the military operations to the KCOG.***

## 2.5.2 AIRPORT LAND USE COMPATIBILITY PLAN (ALUCP)

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The County's public use airports and military bases represent a major public investment and contribution to the County's economy. Kern County has adopted an Airport Land Use Compatibility Plan (ALUCP) and alternative process to comply with the State Aeronautics Act (Public Utilities Code commencing with Section 21670) (see Appendix D).

### ***Issues***

Public use airports and military bases are important to the economic future of communities, but incompatible development can create public safety issues and adverse noise impacts. Encroachment of incompatible uses can adversely affect airport and military base operations and even result in the curtailment of their use. It is imperative that property near airports be developed with compatible uses and that there be clear guidance and information for affected property owners.

### ***Goals***

1) Plan for land uses that are compatible with public airport and military bases and mitigate encroachment issues.

### ***Policies***

1) Review land use designations and zoning near public and private airports, Edwards Air Force Base and Naval Air Weapons (NAWS) China Lake for compatibility.

2) To the extent legally allowable, prevent encroachment on public airport and military base operations from incompatible, unmitigated land uses.

3) Provide property owners in proximity to public airports and military bases education on impacts from operations.

### ***Implementation Measures***

A) Review discretionary land use development applications within the airports influence area and the military base operating area as shown in the ALUCP for consistency.

B) Coordinate and cooperate with airport operators, the County Department of Airports, the California Department of Transportation, Division of Aeronautics, affected cities, Edwards Air Force Base, NAWS China Lake and the Department of Defense on the ALUCP, review of land use applications, public education and encroachment issues.

C) Pursue grants and funding from appropriate agencies for updates and maintenance of the ALUCP and the study of encroachment issues.

D) Pursue funding for electronic, GIS based maps for the ALUCP. Provide the ALUCP plan on the County website to facilitate access to the real estate community, airport operators and pilots, consultants and property owners.

E) Utilize Avigation Easements as a condition of approval in appropriate compatibility zones to increase buyer awareness of impacts from proximity to airports and military bases.

## **CHAPTER 5 ENERGY ELEMENT**

Kern County possesses a wealth of existing and potential energy resources. The County's role as a major oil, natural gas, and electricity producer, along with its geographic position at the heart of California and on the boundaries of the State's largest gas and electric utilities, gives the County's future energy development statewide significance.

The Kern County Energy Element is a comprehensive document which defines critical energy related issues facing the County and sets forth goals, policies, and implementation measures to protect the County's energy resources and encourage orderly energy development while affording the maximum protection for the public's health, safety, and the environment.

The Energy Element has three primary objectives:

1. Resource management and protection.
2. Establishing development standards to provide for the protection of the environment, public health, and safety.
3. Promoting and facilitating energy development. The Energy Element proposes no substantial changes in current policy or existing institutional arrangements. Generally, Kern County's energy economy is strong and the County has effectively responded to critical energy issues as they have arisen. The Energy Element focuses on four areas:
  - Continue to improve and streamline current energy regulations; and
  - Increase County monitoring and involvement in State and federal energy legislation; and
  - Planning for future energy resource diversification; and
  - Anticipating new opportunities for development of Kern County's energy resources, including oil, natural gas, geothermal, wind and solar power.

### **5.4.2 WIND ENERGY DEVELOPMENT**

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#### ***Issues***

The wind energy development in the Tehachapi Mountains is one of the State's largest, responsible for about 40% of the State's total wind-generated power. In the late 1970s and early 1980s, there was rapid development of wind energy in California, spurred by federal and State tax incentives and lucrative power sales contracts with the utility companies. Individual wind turbine size has increased dramatically, from 25- 110 Kilowatts (KW) size of the early 1980s, to 1-2.5 Megawatts (MW). Initially, because it was a new industry, wind energy was developed with very little regulatory review. In 1986, the County adopted a Wind Energy Combining District of the Kern County Zoning Ordinance, which controls and minimizes the impacts of wind energy development.

Full realization of the County's wind-generated electricity may be hampered due to the lack of adequate power transmission capacity. The production from existing wind turbines is surpassing the expected generation and on exceedingly windy days, exceeds the capacity of the existing transmission lines, forcing turbines to be shut down.

**Goal**

To promote the safe and orderly development of wind energy as a clean method of generating electricity while providing for the protection of the environment.

**Policies**

1. The County should support the construction of additional transmission capacity for wind energy developments where land use and other constraints are minimal.
2. All wind energy development shall be subject to the development standards of Kern County Zoning Ordinance.
3. The County should monitor the activities of other local, State, and federal agencies relating to wind energy projects in Kern County, and present comment and testimony as necessary when the County's interests to avoid unnecessary impediments to energy development.
4. The County shall work with the wind energy industry to maximize electrical potential while assuring that military flight operations, communication facilities and visual conflicts for neighboring property owners are addressed.
5. The County should actively monitor the actions of local, State, and federal agencies relating to wind energy development in Kern County, and lobby and present its position on such matters as needed to protect the County interests and avoid unnecessary impediments to energy development.

**Implementation Measures**

- A. The WE (Wind Energy) Zone District should be reviewed and amended as necessary to include adequate setbacks, buffer, aesthetic requirements, oak tree provisions, military flight corridors, and removal of nonfunctioning machines.
- B. The County should promote a continuing dialogue with wind energy industry representatives to monitor trends in wind energy development and technology.
- C. The County should conduct an aerial photometric survey of the wind energy development area to determine the effectiveness of existing soil erosion control measures and, if necessary, modify the Kern County Zoning Ordinance as appropriate.

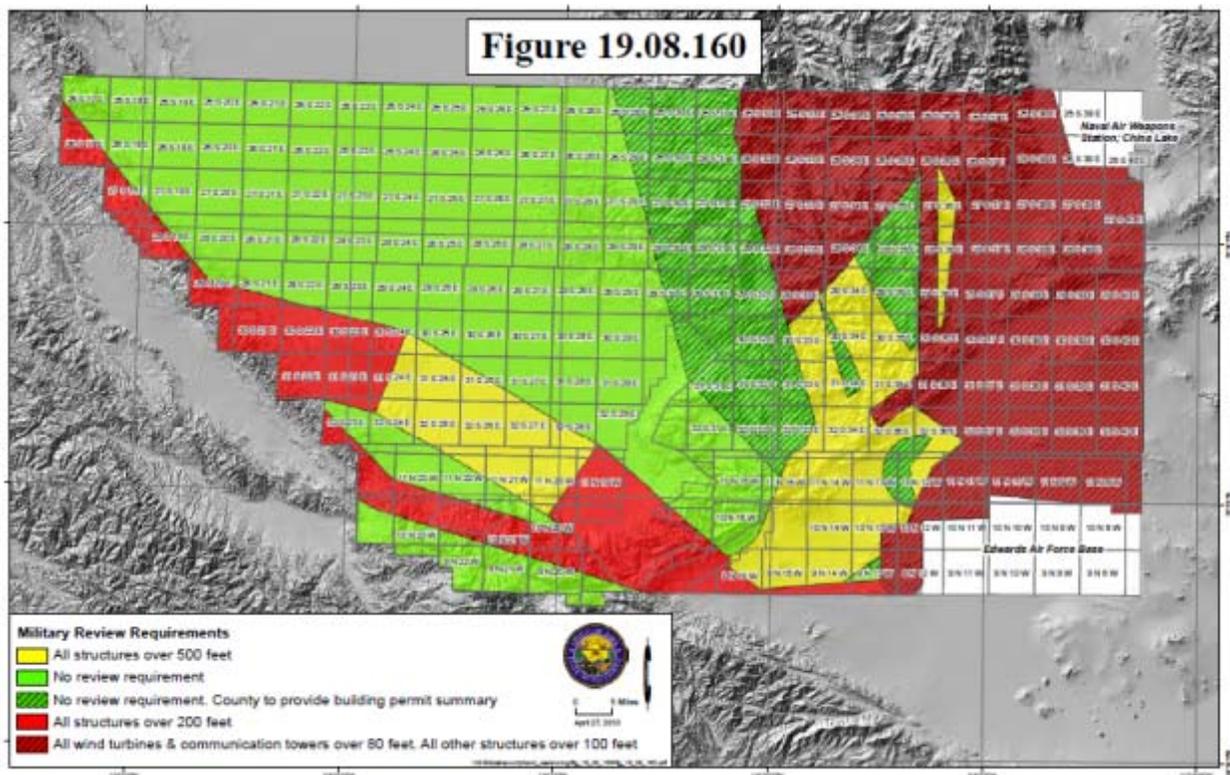
19.08.160 HEIGHT OF STRUCTURES

A. Notwithstanding any other provisions in this title, within the area depicted in Figure 19.08.160, no zone modification or zone variance may be approved, and no building permit may be issued where a zone modification or zone variance is not required, for any structure or building that exceeds the maximum permitted heights shown in Figure 19.08.160 unless the military authority responsible for operations in that flight area first provides the Planning Director with written concurrence that the height of the proposed structure or building would create no significant military mission impacts.

B. In instances where the required written concurrence from the military is requested but not received within a reasonable period of time, the required zone modification or zone variance may be considered by the Board of Supervisors. A variation to the height-related Development Standard in B.1 above may be approved by the Board of Supervisors generally following the zone variance procedures set forth in Chapter 19.106 and payment of related fees, upon a finding that the benefits of the requested height deviation outweigh the potential impacts on military flight operations.

19.08.270 COUNTY REVIEW OF PROJECTS RELATED TO NATIONAL SECURITY

The provisions of this title shall not be construed to apply to the construction, installation, operation, and maintenance of facilities on private land which are required in the interest of national security or the national defense, as determined by the Planning Director.



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## RIVERSIDE COUNTY

**Re-Engagement:** March 2012

**Overview:**

Riverside County contains operations for many of the military Services, with 18 military training routes concentrated to the eastern half of the county. Presently, language in the Riverside County General Plan establishes Goals and Policies to promote compatible development proximate to March Joint Air Reserve Base. Coordination and engagement with MJARB is encouraged by the General Plan to ensure that potential impacts from new development will not impact operations.

To extend these planning concepts county-wide, engagement began with the Riverside County Planning Department in March 2012 to modify the applicable General Plan and implementing ordinance (zoning) provisions to include existing Military Training Routes. However, shortly after this engagement began, fiscal constraints and staffing shortages at the County required that the proposed new zoning ordinance that addresses compatible development within the MOA was placed on hold.

**Next Step:** The Military will resume engagement when the economic environment provides a better platform for the creation of a formal notification process and coordination of projects under airspace.

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## RIVERSIDE COUNTY GENERAL PLAN

### *CHAPTER 3 LAND USE ELEMENT*

As described in Chapter One, Introduction, the County of Riverside General Plan is the result of a comprehensive planning process that is guided by the Vision Statement, which establishes a series of fundamental values shaping the future quality of life for the County. The Vision Statement was further refined by a set of General Plan Principles, which provided further direction for this comprehensive planning process. The Land Use Element and General Plan Land Use Map (Figure LU-1) reflect the outcome of this comprehensive planning process.

The Land Use Element functions as a guide to planners, the general public, and decision makers as to the ultimate pattern of development. It designates the general distribution, general location, and extent of land uses, such as housing, child care facilities, business, industry, open space, agriculture, natural resources, recreation, and public/quasi-public uses. The Land Use Element also discusses the standards of residential density and non-residential intensity for the various land use designations.

Of the general plan elements required by State law, the Land Use Element has the broadest scope. Since it governs how land is to be utilized, many of the issues and policies contained in other plan elements are linked in some degree to this element. For example, the Circulation Element defines policies for the accommodation of vehicular and other trips generated by the population and uses permitted by the Land Use Element. Similarly, the location and density of uses prescribed by this Element are influenced by policies for the protection of environmental resources prescribed by the Multipurpose Open Space Element.

The Element and General Plan Land Use Map are intended to capture and communicate Riverside County's long term desires for the future use and development of their land.

## OVERLAYS – MARCH AIR RESERVE BASE

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The March Air Reserve Base is located along Interstate 215, adjacent to the Cities of Riverside, Perris, and Moreno Valley. The former Air Force Base was established in 1918 and was continually used until 1993. In 1996, the land was converted from an Air Force Base to an Active Duty Reserve Base. A Joint Powers Authority (JPA), comprised of the County of Riverside and the Cities of Moreno Valley, Perris, and Riverside, formed to address the use, reuse, and joint use of the realigned March ARB. The JPA Agreement created the March Joint Powers Commission (JPC), which is the governing body for the authority. The Commission is comprised of eight elected officials (two from each of the four jurisdictions) who are selected by the jurisdictions= respective governing bodies. The March JPA is recognized by the Department of Defense and the State of California as the official local redevelopment agency for March ARB.

### ***Planning Area***

The March JPA General Plan planning area includes the entire boundaries of the former March Air Force Base, an area approximately 6,500 acres in size. The planning area includes a cantonment area, which represents the area retained by the Department of Defense for the Air Force Reserves (AFRES). The cantonment area represents approximately one-third of the planning area and includes the airfield. A military component remains, with AFRES, Air National Guard, and other federal agency units remaining within the cantonment area. The non-cantonment area includes 4,400 acres of the total planning area. Nearly two-thirds of the planning area is undeveloped or underutilized, with a significant portion of vacant land located within the non-cantonment area.

Existing buildings and facilities are concentrated adjacent to the cantonment area and consist of several specific user types for reuse along with Green Acres, a historic district formerly used for housing.

### ***Land Use***

The land use designations of the March JPA General Plan Land Use Plan are divided into four general classifications, with a total of 13 distinct land use designations. These designations differ from those area plan and use designations in the County of Riverside General Plan.

Buildout of the March JPA Planning Area will account for 21.5 million square feet of commercial and industrial development, and upwards to 38,000 jobs. Estimates for buildout of the March JPA Planning Area are provided in the following Table LU-7, Buildout March JPA Planning Area, taken from the General Plan of the March JPA. It shows that approximately 21 million square feet of total structural area may exist within the planning area upon buildout. Buildout also reflects the preservation of the 111 units within the Historic District of Green Acres; however should the use of these structures change from residential to office/services, the additional non-residential square footage would increase by approximately 200,000 square feet. The floor area buildout assumes average intensity development within the planning area. Lot coverage, setbacks, aviation restrictions, building heights, parking provisions, natural features, and other development standards are expected to reduce this average further upon full buildout.

It is important to note that, in 1996, the Department of Defense offered the formation of a joint-use airport, where the facilities that are owned and operated by the Air Force are made available for use by civil aviation. Subsequently, the March JPA formally approved a strategy of creating an inland port concept at March ARB. This strategy recommended an aggressive business development campaign targeted at attracting private investment and development that would either be directly or indirectly related to air cargo carriers locating at

a joint use airport. To implement this strategy, the Commission accepted the name of The March Inland Port as the civilian airport at the joint-use facility. The name has since been changed to the Greater Los Angeles March Global Port and consists of 316 acres of surplus property at March ARB.

There are a number of policies and ordinances governing land uses and development within March ARB, including the General Plan of the March Joint Powers Authority, the March JPA Development Code, and the March JPA Building and Construction Code. Additionally, the County of Riverside Airport Land Use Commission administers a comprehensive land use plan (CLUP) for the aviation field at March to ensure compatible land use planning in and around the airport

### ***Policies***

**LU 34.1** Adhere to the objectives and policies contained within the General Plan of the March Joint Powers Authority.

**LU 34.2** Continue involvement with the March Joint Powers Authority in the development of the March ARB and the March Inland Port.

### ***CHAPTER 7 NOISE ELEMENT***

The Noise Element is a mandatory component of the General Plan pursuant to the California Planning and Zoning Law, Section 65302(f). The element must recognize the guidelines adopted by the Office of Planning and Research pursuant to Section 46050.1 of the Health and Safety Code. It also can be utilized as a tool for compliance with the state's noise insulation standards.

The General Plan Noise Element provides a systematic approach to identifying and appraising noise problems in the community; quantifying existing and projected noise levels; addressing excessive noise exposure; and community planning for the regulation of noise. This element includes policies, standards, criteria, programs, diagrams, a reference to action items, and maps related to protecting public health and welfare from noise.

### ***NOISE POLICY N7.3***

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**N 7.3** Prohibit new residential land uses, except construction of a single-family dwelling on a legal residential lot of record, within the current 60 dB CNEL contours of any currently operating public-use, or military airports. The applicable noise contours are as defined by the Riverside County Airport Land Use Commission and depicted in Appendix L, as well as in the applicable Area Plan's Airport Influence Area section.

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## PLUMAS COUNTY

**Coordination Start:** April 2011

**Overview:**

Plumas County has three low-level military training routes with operations occurring between 200 and 500 feet above the ground level. The greatest threat to critical military operations in Plumas County is from wind energy development as the wind turbines will likely penetrate the military training routes.

In June 2011 the military met with the Plumas County Planning Commission, Plumas County Coordinating Council and Plumas County Board of Supervisors to discuss the air operations and desire to foster compatible land use to ensure protection of critical military airspace. Subsequently, the military provided input to the Planning Director on draft language that was accepted by the Board of Supervisors in December 2011. The Draft Environmental Impact Report was released for public comment in December 2012. The Final Environmental Impact Report was approved by the Planning Commission in July 2013. The Board of Supervisors, in a unanimous vote, approved General Plan amendments on 17 December 2013.

**Next Step:** Work with County staff to establish military language in the zoning code to support implementation of General Plan policies adopted.

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## PLUMAS COUNTY GENERAL PLAN

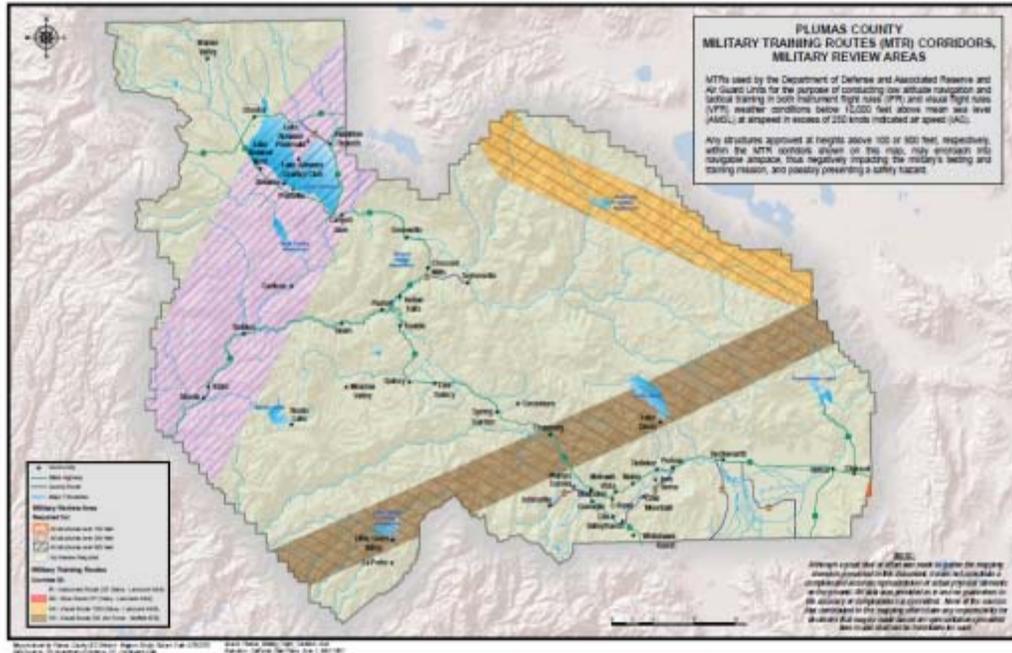
### *CHAPTER 11 LAND USE ELEMENT*

Plumas County is committed to protecting its communities in a manner that also addresses climate change.

The predominate land use within Plumas County consists of open space use with a majority of land, approximately 94% of the total County area, dedicated to timberland or other managed resource uses. Consequently, many of these lands are managed for a combination of resource values, including but not limited to recreation, mining, timber production, agriculture production and cultural and historic resources. That leaves approximately 6% of the land area for uses such as residential, commercial, industrial, and public service.

Resources, history, and people have all had a significant role in defining Plumas County. Communities originally developed and evolved on the landscape based on proximity to the resources that provided a livelihood. The Mountain Maidu established villages in the valleys of the County where there was shelter from winter storms and access to good hunting and plant gathering sites. Upon arrival and settlement of Europeans in the mid-1800s, towns first grew up around mining activities, then log mills and later around transportation such as stagecoach and railroad.

The land use pattern across the County today reflects the historical approach to settlement in a time before the automobile. Today many counties and cities across California and the United States are trying to institute smart growth, transit-oriented design, form-based development and to re-focus their communities into walkable places. Plumas County has, with a few exceptions, maintained its rural character with its compact and walkable communities.



PLUMAS COUNTY GENERAL PLAN UPDATE 2018

Plumas County General Plan Update 2018  
**Figure 3-1**  
 Military Training Routes (MTR) Corridors and  
 Military Review Areas

*Table 7-2 Conservation and Open Space Policy Summary*

**OPEN SPACE IN SUPPORT OF THE MISSION OF MILITARY INSTALLATIONS:  
 AREAS ADJACENT TO MILITARY INSTALLATIONS AND MILITARY TRAINING ROUTES;  
 AND AREAS UNDERLYING RESTRICTED MILITARY AIRSPACE.**

**GOALS**

**LAND USE GOAL 1.4**

**LU 1.4 COORDINATION WITH THE MILITARY** To protect the interests and priorities of the County, create a process to identify, coordinate and assist in resolving land use conflicts within the Military Operations Areas (MOAs) and Military Training Routes (MTRs) in all areas of the County.

**Policies**

**LU 1.4.1 Working with the Military** Ensure early notification to the military of proposed discretionary development projects within Military Operations Areas (MOAs) and Military Training Routes (MTRs) and facilitate the exchange of project-related information pertinent to military operations within those areas.

**LU 1.4.2 Evaluation of Renewable Energy Projects** Evaluate renewable energy projects proposed within Military Operations Areas (MOAs) and Military Training Routes (MTRs) to ensure that all priorities are given due consideration, including safety, generation and transmission of alternative energy and review comments received by the military.

**Land Use Implementation Measures**

- The County shall charter the Plumas County Coordination Council to be the forum responsible for the coordination of planning efforts between the County and other local, state and federal land managers.
- Amend the zoning ordinance, including but not limited to special use permit and variance provisions, to establish discretionary review of all proposed development projects within the MOAs.

**LAND USE GOAL 1.10**

**LU 1.10 RENEWABLE ENERGY GENERATION AND TRANSMISSION** To accommodate renewable energy generation and transmission while requiring site provisions that protect the visual quality and character of the County.

**Policies**

**LU 1.10.1 Renewable Energy Generation and Transmission Location Criteria** The County shall collaborate with stakeholders to create renewable energy generation and transmission criteria for optimal siting in the County’s Zoning Code.

**LU 1.10.2 Renewable Energy Resources and Military Operations Areas** The County will evaluate renewable energy projects proposed within Military Operations Areas (MOAs) and Military Training Routes (MTRs) to ensure that all priorities are given due consideration, including safety, generation and transmission of alternative energy, and review comments received by and from the military.

**Land Use Implementation Measures**

- The County will make the necessary and appropriate zoning code and zoning map changes to promote and encourage the appropriate renewable energy resources and transmission corridors in the County’s Zoning Code. The County will assist stakeholders in resolving generation and transmission siting issues.
- The County shall coordinate with the military experts to site renewable energy facilities in a manner that does not significantly impact military necessities. The County will give due consideration to issues including, but not limited to: light and glare, heat generation, smoke, dust, equipment testing and operation, personnel training and flight operations. The County will facilitate collaboration between stakeholders to ensure balanced and compatible land use priorities.

**CHAPTER 6 PUBLIC HEALTH AND SAFETY ELEMENT**

The purpose of the Public Health and Safety Element is to provide the policy context for protecting and reducing the risk of both natural and man-made hazards to County residents, workers, visitors and properties... Plumas County is committed to protecting its communities in a manner that also addresses climate change.

**LEGAL BASIS AND RELATIONSHIP TO OTHER ELEMENTS**

The County’s Public Health and Safety Element addresses the various natural and manmade hazards that are considered when applying the policies and land-use designations of the Land Use Element. For example, lands subject to recurring flooding or extreme wildfire potential are planned for open-space uses such as agriculture wherever practical. Health and safety issues related to noise generation are described in the Noise Element.

State law [Section 65302(g) of the Government Code] mandates that the safety element address several key topics. The primary purpose of the Public Health and Safety Element is to establish policies and programs to protect the County from risks associated with seismic, geologic, flood and wildfire hazards. It is the intent of this section to craft programs and policies that reduce the risk of death, injury, property damage, and the economic and social dislocation related to the above hazards. This element has also included policies that address the goal of sustaining healthy communities.

This element meets the requirements of State law with the following exceptions:

- Tsunamis – As defined in the General Plan Guidelines, this phenomenon is a large ocean wave generated by an earthquake in or near the ocean. Plumas County has no coastline nor is it proximate to the ocean, and, therefore, the General Plan does not address this particular type of event.
- Military Installations and Operations Area – Plumas County has no military installations or facilities, however Military Operations Areas and Military Training Routes cross through significant portions of the County and are addressed in this Plan.
- Minimum Road Widths – This topic is more appropriately addressed in the Circulation Element. Although not specifically required by State planning law, this element also considers a variety of issues related to healthy and livable communities.

## CHAPTER 7 CONSERVATION AND OPEN SPACE ELEMENTS

The County's Conservation and Open Space Element combines two of the seven required elements of a General Plan: the Conservation Element, which is required to address the conservation, development, and utilization of specific natural resources, such as air quality, soils, mineral resources, and wildlife habitats, and the Open Space Element, which is required to address open space lands used for a variety of uses, including recreational pursuits.

You will not find policies directly pertaining to water quality and quantity, forest resources and agriculture within the Conservation Element. This update of Plumas County's General Plan elevates the importance of these resources and presents them in two separate additional elements; Water (Element 9) and Forestry and Agriculture (Element 8).

### CONSERVATION AND OPEN SPACE GOAL COS 7.5

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**COS 7.5 CULTURAL AND HISTORICAL RESOURCES** To protect and preserve historic and prehistoric sites, structures, features, objects, and properties important in Native American history for their aesthetic, historical, scientific, educational, and cultural values.

#### Policies

**COS 7.5.1 Cultural and Historical Resource Preservation** The County shall encourage historic preservation within all sectors, private and public, in such a manner as to promote economic development, enhance recreation, maintain quality of life, provide educational opportunities, as well as to provide revitalization of housing and business sections of existing communities.

**COS 7.5.2 Evaluation of Cultural and Archaeological Resources** The County shall participate in and support efforts to identify its significant cultural and archaeological resources using appropriate State and Federal standards and sources.

**COS 7.5.3 Resource Protection with Potential State, Federal, and Local Designations** The County shall support the registration of cultural resources in appropriate landmark designations such as the California Register of

Historic Places, National Register of Historic Places, California Historical Landmarks, Points of Historical Interest or Local Landmark. Such sites may be of nationwide, statewide or local significance and have architectural, engineering, scientific, economic, agricultural, educational, social, political, military, cultural or other values.

**COS 7.5.4 Protection of Potentially Important Historic Sites** Demolition permit applications on designated or potentially important historic sites shall be subject to County discretionary review.

**COS 7.5.5 Assessment of Impacts to Cultural and Historical Resources** The County shall encourage cultural resource preservation and ensure that new development does not adversely impact important resources. Discretionary projects involving ground disturbance shall have evaluations to determine cultural and historical significance. The County shall ensure that individuals conducting inventory and evaluation of cultural and historical resources consult with the Northeast Information Center in advance of any such assessments or studies and that those individuals undertaking such activities meet minimum standards. Any archaeological or paleontological resources discovered on a development project site shall either be preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.

**COS 7.5.6 Cultural Resource Education Programs** The County shall support local, State, and national education programs on cultural and archaeological resources. As a local resource, the County shall strive to support the programs and activities administered by the Plumas County Museum and ensure that records continue to be made available to the public and to cultural resource professionals.

**COS 7.5.7 Cooperation of Property Owners** The County shall encourage the cooperation of property owners to treat cultural resources as assets rather than liabilities, and encourage general public support for the preservation of these significant cultural resources.

**COS 7.5.8 Local Native American Coordination** The County shall respect Native American culture and planning concerns. The County shall collaborate with local Native American tribes, organizations and interests to preserve, rehabilitate, restore and interpret cultural and natural resources important in tribal culture, as per statutes such as SB 18. The County shall consult with local tribes when actions undertaken by the County or as a result of the permitting process may affect traditional cultural values. The County shall meet in good faith with local tribes as warranted and appropriate to incorporate the tribal viewpoint into County activities and policies.

**COS 7.5.9 Confidentiality of Archaeological Information** The County shall, within its power, maintain confidentiality regarding sensitive cultural resource and archaeological information in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts or other inappropriate uses.

**COS 7.5.10 Community Character** The County shall promote the appropriate preservation and or achievement of community character building design, exterior modifications, and public space improvements in areas where the community has expressed the need for improved community design and enhancement. Proposed building designs shall be developed to preserve the unique historic nature of each individual community. Where community plans are developed, these plans shall include scenic resources to be protected or preserved.

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## SAN BERNARDINO COUNTY

**Coordination Start:** 2000

**Overview:**

San Bernardino has a very active military presence both on the ground and in the air. The large installations within land in San Bernardino County are Edwards AFB, NAWS China Lake and Fort Irwin; all a part of the R-2508 area as well as Marine Corps Air Ground Combat Center Twentynine Palms. There are several low-level military training routes, various military airspace designations, and testing conducted from military installations. Wind energy development presents a particular radar interference & obstruction challenge for military operations in Kern County. Solar energy has a few obstruction & infrared impacts, but can still present challenges to testing and training.

**Next Steps:** Ensure consistent and coordinated review of projects with the county.

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## SAN BERNARDINO COUNTY GENERAL PLAN

*...preservation of land and airspace serving national defense and cooperative planning with military installation to minimize land use conflicts...*

### LAND USE ELEMENT

The Land Use Element functions as a guide to planners, the general public, and decision makers as to the ultimate pattern of development for the County of San Bernardino. The Land Use Element has perhaps the broadest scope of the County of San Bernardino's General Plan elements. In theory, it plays a central role in correlating all land use issues into a set of coherent development policies. Its objectives, policies, and programs relate directly to the other elements. It is the most visible and often-used element in local general planning. Although all general plan elements carry equal weight, the Land Use Element is often perceived as being most visible expression of the General Plan because of its pivotal role in zoning, subdivision, and public works decisions. The Element's goals, policies and programs provide a long-range context for those short-term actions.

#### **General Plan Land Use Zoning Designations**

There are 18 land use zoning districts that apply only to privately owned lands in the County and not to the lands controlled by other jurisdictions. Lands that are controlled by other jurisdictions, including lands controlled by federal and state agencies as well as incorporated cities, are mapped to identify the public agencies that control them. The 18 land use zoning districts (see Table LU-1) are as follows: Resource Conservation (RC), Agriculture (AG), Rural Living (RL), Single Residential (RS), Multiple Residential (RM), Office Commercial (CO), Neighborhood Commercial (CN), Rural Commercial (CR), Highway Commercial (CH), General Commercial (CG), Service Commercial (CS), Community Industrial (IC), Regional Industrial (IR), Institutional (IN), Special Development (SD), Floodway (FW), Specific Plan (SP), and Open Space (OS).

The purpose, location criteria, building intensity standards, population density, and the intended uses of each land use zoning district are specified. The building intensity standards specified for each land use zoning district may be modified by provisions contained in the County Development Code, Title 8 of the County Code. Also, individual planning areas may specify higher or lower housing densities, and/or smaller or larger minimum parcel sizes. A

brief description of the intended uses in each land use zoning district is presented herein; the County Development Code, Title 8 of the County Code, contains a complete listing of the uses permitted in each land use zoning district.

No land use zoning district created by the conversion of previous land use and zone districts will be required to meet the minimum parcel sizes set forth for each district below. New land use zoning district changes approved under this General Plan must meet with those minimum size requirements except as provided below.

## RESOURCE CONSERVATION (RC) LAND USE ZONING DISTRICT

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Resource Conservation (RC) comprises the majority (55.98 percent) of the designated land uses in the County. This land use designation covers over 1 million acres, or about 1,500 square miles of land. Most of the land within this designation is publicly owned (federal and state) and includes national parks, military bases, conservation areas, and lands owned by other federal and state agencies. The County has designated approximately 681,500 acres or 1,065 square miles (37.92 percent) for residential uses. Out of this, about 587,535 acres (32.76 percent of total unincorporated area) are designated Rural Living, 67,691 acres are designated Single Residential, while 4,986 acres are designated Multiple Residential.

### PURPOSE

- To encourage limited rural development that maximizes preservation of open space, watershed and wildlife habitat areas.
- To identify areas where rural residences may be established on lands with limited grazing potential but which have significant open space values.
- To prevent inappropriate urban population densities in remote and/or hazardous areas of the County.
- To establish areas where open space and non-agricultural activities are the primary use of the land, but where agriculture and compatible uses may co-exist.

### LOCATION CRITERIA

- Areas generally distant from urban centers with existing land uses including limited grazing, passive public and private recreation areas, rural residences and vacation cabins and watershed, wildlife and open space uses.
- Areas with steep terrain and limited access.
- Areas with high scenic values.
- Areas with limited or no infrastructure facilities and where none are planned within the next twenty years.
- Areas within any Hazard Protection and/or Resource Preservation Overlay except Agriculture Preserve (AP) Overlay.
- Areas where development rights have been transferred to other areas via development approvals and set aside for open space and recreation uses.
- Areas shown on the Open Space Map in which limited development may occur while maintaining desired open space values.

### MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

On the average, there are 4.82 persons per household in the unincorporated portions of the Valley Planning Region, 2.54 persons per household in the Mountain Planning Region and 2.68 persons per household in the Desert Planning Region. The MPDA, per square mile, for this district for the Valley, Mountain and Desert Planning Regions are approximately 77 persons, 41 persons, and 43 persons, respectively.

## LAND USE GOAL LU 11

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**GOAL LU 11.** Promote mutually beneficial uses of land to address regional problems through coordination and cooperation among the County, the incorporated cities, Southern California Association of Governments (SCAG), San Bernardino Associated Governments (SANBAG), the various special districts and other local, state, and federal agencies.

### **POLICIES**

**LU 11.1** Foster intergovernmental cooperation among federal, state, and local agencies on key land use decisions.

1. Develop a procedure to assure that the County, the incorporated cities, and the various special districts refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation.

**LU 11.2** Establish a “review area” around each state, military, or other federal installation, and review development proposals within each review area with the appropriate agency.

**LU 11.3** Work with the Bureau of Land Management (BLM), U.S. Forest Service, the U.S. Park Service, and other public agencies to eliminate conflicts between public and private lands, and to designate and protect wilderness and restricted natural areas.

**LU 11.4** Reduce the checkerboard pattern of land use ownership by encouraging land swap of public and privately owned land to consolidate land ownership of public land and encourage more public ownership adjacent to existing communities.

**LU 11.5** To ensure that large blocks of public land are not further subdivided or classified as Government Small Tracts, disposal of public lands will be based on definite proposals for development consistent with the County General Plan.

**LU 11.6** To facilitate public/private land exchange to eliminate the need to cross public lands to reach privately owned lands, such land will be designated as a “Resource Conservation” (RC) Land Use Zoning District. However, if such land appears on a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) or on a County Flood Hazard Map as being subject to severe flooding, it will be designated as a “Floodway” (FW) Land Use Zoning District.

**LU 11.7** Work with Indian tribes and state and federal agencies in the development of plans for land within tribal and governmental jurisdictions.

**LU 11.8** Ensure the security needs of prisons and similar detention facilities are provided for by the facilities’ operator(s) when reviewing development activities. Locate new facilities in areas that minimize land use conflicts.

1. Work closely with state and local officials responsible for administering these facilities when considering land use proposals on adjacent lands.
2. Discourage residential uses on adjacent or nearby parcels in proximity to high security detention facilities.

## **NOISE ELEMENT**

Noise has long been accepted as a byproduct of urbanization and is considered a potential environmental hazard. Excessive and/or sustained noise can contribute to both temporary and permanent hearing loss, and may be associated with increased fatigue, stress, annoyance, anxiety, and other psychological reactions in humans. For the various elements of the society to coexist, noise levels need to be controlled and minimized to limit exposure to residential communities and noise-sensitive land uses. The control of noise, therefore, is an essential component in creating a safe, compatible, and productive environment.

### **NOISE GOAL N.2**

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**GOAL N 2.** The County will strive to preserve and maintain the quiet environment of mountain, desert and other rural areas.

#### **POLICIES**

**N 2.1** The County will require appropriate and feasible on-site noise attenuating measures that may include noise walls, enclosure of noise generating equipment, site planning to locate noise sources away from sensitive receptors, and other comparable features.

**N 2.2** The County will continue to work aggressively with federal agencies, including the branches of the military, the U.S. Forest Service, BLM, and other agencies to identify and work cooperatively to reduce potential conflicts arising from noise generated on federal lands and facilities affecting nearby land uses in unincorporated County areas.

## **SAFETY ELEMENT**

The purpose of the Safety Element is to reduce the potential risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, earthquakes, landslides, and other hazards. Protecting the health, safety and welfare of the community is a fundamental responsibility of the County of San Bernardino.

### **SAFETY GOAL S8**

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**GOAL S 8.** The County will minimize exposure and potential of damage posed by aviation activity.7

#### **POLICIES**

**S 8.1** Ensure the safety of airport operations and surrounding land uses.

1. Adopt the Land Use Compatibility/Aviation chart (Table S-4) as applicable to all discretionary and ministerial applications for Safety Overlay delineated on the Hazards Overlay Maps. Safety areas are defined as follows:
  - a. That area defined within an adopted Airport Comprehensive Land Use Plan;
  - b. That area defined within an adopted Interim Airport Land Use Plan (where there is no adopted Airport Comprehensive Land Use Plan); and
  - c. That area defined within a low-altitude/high-speed corridor designated for military aircraft operations.

2. Continue airport safety reviews of all land uses proposed within any Airport Safety Area in the County; updating existing and initiating new comprehensive Land Use Plan studies for each public-use airport in the County. The following review standards will be included:
  - a. Safety areas will be designated and mapped.
  - b. Airport Safety reviews will be required for all discretionary projects (as defined by CEQA) proposed in the County within an Airport Safety Area, including:
    - All airport creation or expansion proposals;
    - Projects and land use recommendations outside designated Safety Areas when statistical analysis of accidents from an airport facility suggests this need; and
    - All procedures for proposed development around heliports in the County.
  - c. All projects within Safety Areas 1, 2, and 3 will be referred to the affected airport facility.
  - d. Federal Aviation Regulations (FAR) Part 77 will be applied, including height restrictions.
  - e. Smoke, glare, and electronic interference will be restricted.
  - f. Storage of fuel and other explosive and/or flammable materials in a manner that may be hazardous to aviation operations will not be above ground in Safety Areas 1, 2, and 3.
  - g. Standards for development of all conditionally approved projects may be derived from any or all of the following:
    - Applicable, adopted Airport Comprehensive Land Use Plans and Interim Airport Land Use Plans;
    - California State Airport Land Use Planning Handbook; and
    - The San Bernardino County Development Code.
    - Regulations and development standards of local jurisdictions.
3. Apply the standards of the Land Use Compatibility Chart in Airport Safety Areas (Table S-5), as well as those contained in the applicable adopted Airport Comprehensive Land Use Plans, to promote consistent review of proposals in the land use planning process.
4. Any requirements resulting from the airport safety review will be incorporated into the project design and/or conditions of approval.
5. All discretionary projects within Safety Areas 1, 2 and 4 will be reviewed by the appropriate military facility (There is no Safety Area 3 designated around military airport facilities).

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## SAN BERNARDINO COUNTY ZONING ORDINANCE

### CHAPTER 82.09 AIRPORT SAFETY (AR) OVERLAY

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#### 82.09.020 AIRPORT SAFETY LOCATION REQUIREMENTS

Airport Safety (AR) Overlay boundaries are designated on the Land Use Plan by the symbols AR1, AR2, AR3, and AR4, as defined in Section 82.09.030 (Airport Safety Review Areas), in the:

- (a) Area within an adopted Airport Comprehensive Land Use Plan for a public use airport;
- (b) Unincorporated areas of an adopted Airport Comprehensive Land Use Plan for a public use airport within an incorporated city; and
- (c) Area within a low altitude/high speed corridor designated for military aircraft operations.

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#### 82.090.303 AIRPORT SAFETY REVIEW AREAS

For the purposes of this Chapter, the following Airport Safety Review Areas are established.

(a) Airport Safety Review Area 1 (AR1). AR1 includes the areas at either end of a runway, outside the airport boundaries, that correspond with the FAA Runway Protection Zone (per FAR Part 152) for each runway end. AR1 also includes any area identified by an Interim Airport Land Use Plan as a crash hazard zone, or as a touchdown pad and peripheral area for a heliport.

(b) Airport Safety Review Area 2 (AR2). AR2 includes the areas within the adopted 65 CNEL (Community Noise Equivalency Level) or Ldn (Day-Night Average Sound Level) noise contours.

(c) Airport Safety Review Area 3 (AR3). AR3 includes one of the following areas, as applicable.

(1) Public use airport with adopted noise contours. For a public use airport with adopted noise contours, AR3 includes the area within one mile outside the 65 Ldn noise contour, encompassing the boundaries prescribed in FAR Part 77 that depict imaginary surfaces for "objects affecting navigable airspace," as applicable to the specific FAA-approved Airport Layout and Approach Plan. The imaginary surfaces are as follows.

(A) Approach Surface. Extending outward and upward from the end of the primary runway surface along a slope of 20 to 1 and extending for a horizontal distance of 5,000 feet. (Slope and distances increase depending on precise approach existing or planned for the particular runway.)

(B) Horizontal Surface. A horizontal plane 150 feet above the established airport elevation. The perimeter is constructed by swinging arcs of 5,000 feet (10,000 feet for runways other than utility or visual) radii from the center of each of the primary runway surfaces (i.e., beginning points of Safety Review Area I) and connecting the adjacent arcs by lines tangent to the arcs.

(C) Conical Surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 (20:1) for a horizontal distance of 4,000 feet. (Distances increase for military airports.)

(2) Public use airport without adopted noise contours. For a public use airport without adopted noise contours (e.g. 65 Ldn), AR3 includes the area within one mile of the outer boundaries of the airport ownership.

(3) Heliports. The area outside the 65 Ldn noise contour for a heliport but within one-half mile of the line.

(d) Airport Safety Review Area 4 (AR4). AR4 includes the low-altitude/high speed corridors designated for military aircraft use.

## 82.09.060 AIRPORT SAFETY DEVELOPMENT STANDARDS

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The following standards and criteria shall apply to each development or land use proposed within an AR Overlay or an Airport Safety Review Area, in addition to any standards required by the applicable Airport Comprehensive Land Use Plan.

(a) Allowed land uses. Each proposed uses shall be consistent with the General Plan, any applicable Airport Land Use Plan, and this Section; provided that no permanent structure or use shall be allowed within Airport Safety Review Area 1.

(b) Height limits. Proposed structures and the normal mature height of any vegetation shall not exceed the height limitations established in Federal Aviation Regulations (FAR) Part 77, unless Form 7460-1 (Notice of Proposed Construction or Alteration) has been filed with and approved by the FAA before the issuance of a Building Permit. All mitigation measures recommended by the FAA shall be incorporated into the project conditions of approval.

Existing topographic elevations, as compared to the elevation of the centerline of the runway, shall be considered in determining the permitted height of an affected structure.

For heliports, structures and the normal mature height of any vegetation adjacent to the helipad shall not exceed the height limitations provided by the requirements of Federal Aviation Regulations (FAR) Part 77 for heliports.

(c) Interference with aircraft operations. The proposed use or structure shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

For heliports, uses or structures adjacent to the helipad shall not reflect glare, emit electronic interference, produce smoke, or store or dispense hazardous materials in such a manner that would endanger aircraft operations or public safety in the event of an aircraft accident.

(d) Federal and State requirements. Each airport and heliport shall be constructed in compliance with FAA requirements and the requirements of applicable state law.

(e) Noise standards. Noise level reduction shall be designed and constructed in all structures to maintain maximum interior noise level of 45 dba for residential uses, and 55 dba for commercial and industrial uses.

(f) Easements. An Avigation Easement shall be granted to the appropriate airport and recorded before the issuance of a building permit for those uses established within an AR1, AR2, or AR3. A copy of the easement shall be forwarded to the County and the affected airport. Also an Avigation Easement shall be granted to the appropriate military agency and recorded before the issuance of a building permit for those uses established within an AR4.

(g) Notifications by property owner. The property owner shall provide to all renters, lessees or buyers information that the site is subject to aircraft over flight from the applicable airport, is subject to the potential noise problems associated with aircraft operations, and is subject to an Avigation Easement. The information shall be provided before completion of the rental, lease or sale, and shall be incorporated into the CC&Rs recorded with the property and in all lease and rental agreements.

#### **CHAPTER 84.29 RENEWABLE ENERGY GENERATION FACILITIES**

84.29.030 (c): Compliance with Aviation Law and Department of Defense Restrictions. The wind generator machines shall comply with all applicable Federal Aviation Administration requirements and the State Aeronautics Act (Public Utilities Code §§ 21001 et seq.). Additionally, the local Department of Defense contact person(s) shall be notified and clearance from the Department of Defense shall be required for all wind generators.

#### **CHAPTER 85.18 ACCESSORY WIND ENERGY SYSTEM PERMIT**

As allowed by Government Code Section 65892.13, the purpose of this Chapter is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of accessory wind energy systems on parcels in unincorporated areas of the County in order to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. These regulations are intended to ensure that accessory wind energy systems are designed and located in a manner that minimizes visual and safety impacts on the surrounding community.

#### **85.18.030 PROCEDURES**

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(a) Action. The Director shall review and act upon an application for approval of an Accessory Wind Energy System Permit.

(b) Procedure. Staff Review With Notice in compliance with Section 85.02.030 (Staff Review with Notice).

(c) Notification.

(1) Surrounding property owners. Notice shall be given by first class mail or delivery to all surrounding property owners within 300 feet of the boundaries of the parcel of the subject site when an application is accepted as complete.

(2) Electric utility service provider. If the applicant plans to connect the system to the electricity grid, the applicant shall submit documentation from the electric utility service provider that serves the proposed site confirming they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator. If the applicant does not plan to connect the system to the electricity grid, notice to the electric utility service provider shall not be required.

(3) Pest control service providers. In the event an Accessory Wind Energy System is proposed to be sited as an accessory to an agricultural use that may involve aircraft operating at low altitudes, the applicant shall take reasonable steps to notify pest control aircraft pilots registered to operate in the County.

(4) Military airspace authority. An accessory wind energy system shall not be sited on land within a restricted military airspace without first giving adequate notice to the governing authority of that airspace.

(d) Application Submittal Requirement. The noise ratings as published by the manufacturer of a system proposed for installation shall be submitted to the County for review at the time of the submittal of an application for an Accessory Wind Energy System Permit. If multiple systems are being proposed, the noise ratings shall be modified to address the number of systems being installed.

(e) Review Authority. Director.

(f) Findings required. Before approving an application for an Accessory Wind Energy Permit, the Director shall find and justify that all of the following are true:

(1) The site for the proposed use is adequate in size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the proposed use.

(2) The site for the proposed use has adequate access (i.e., the site design incorporates street and highway limitations).

(3) The proposed use will not have a substantial adverse effect on adjacent property or the use of the adjacent property (e.g., excessive noise, vibration, traffic, other disturbance, etc.) and will not have a substantial visual impact on adjacent property.

(4) The proposed use is consistent with the goals, policies, standards and maps of the General Plan and any applicable Community Plan or Specific Plan.

(5) The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.

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## SAN DIEGO COUNTY

**Coordination Start:** June 2010

**Overview:**

Low level MTRs in San Diego County are primarily located in the extreme eastern portion of the county along the border with Imperial County. This relatively remote area is also the only part of the county with significant wind energy resources. After meeting with San Diego County Planning staff and the GIS program lead, the Department of Planning and Land Use processed an amendment to the County Zoning Ordinance that addresses the establishment of large scale wind turbine projects to ensure that they shall comply with Federal Aviation Administration height requirements, day and night marking requirements, not create an airport hazard, or interfere with military or emergency services aviation operations, such as aerial firefighting. Findings ensuring that the physical suitability of the site for the type and intensity of the wind turbine project which is proposed are also required, which would require a review of impacts from the project on military operations.

**Next Steps:** The Military will support the County by providing input on implementation measures.

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## SAN DIEGO COUNTY GENERAL PLAN

### *LAND USE ELEMENT*

The Land Use Element provides a framework to accommodate future development in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable and sensitive natural resources.

Currently, the County of San Diego is faced with both significant growth pressures and severe environmental constraints. While population continues to grow, the supply of land capable of supporting development continues to decrease. In accommodating this growth, the land use plan encourages the provision of diverse housing choices while protecting the established character of existing urban and rural neighborhoods. provides a framework to accommodate future development in an efficient and sustainable manner that is compatible with the character of unincorporated communities and the protection of valuable and sensitive natural resources.

In general, the majority of new development—approximately 80 percent—is planned within the County Water Authority (CWA) boundary. This strategy coincides with the provision of imported water in San Diego County’s semi-arid environment, and reflects the development pattern of the County’s largest unincorporated communities, which are located in the County’s western areas where demand for new development has and will continue to be greatest. The County’s unincorporated communities and rural lands, however, exhibit tremendous diversity. This General Plan recognizes and encourages these unique identities by providing sufficient flexibility within a countywide framework to respect the character of individual communities, neighborhoods, and landscapes.

Focusing development in and around existing unincorporated communities allows the County to maximize existing infrastructure, provides for efficient service delivery, and strengthens town center areas while preserving the rural landscape that helps define the unique character of the unincorporated County.

## **Land Use Framework**

The General Plan guides the intensity, location, and distribution of land uses in the unincorporated County through a two-tier land use framework. The first tier, Regional Categories, establishes a hierarchy for the overall structure and organization of development that differentiates areas by overall character and density, while the second tier, Land Use Designations The Community Development Model, disaggregates these categories and provide more precise direction regarding the planned density and intensity of residential, commercial, industrial, open space, and public land uses. This framework establishes the range and intensity of allowable land uses, for all areas under the County of San Diego’s land use jurisdiction. Unincorporated San Diego County contains numerous lands that are outside the land use jurisdiction of the County, such as tribal lands, military installations, public utility lands, State parks, and national forests. Examples of these lands include the Cleveland National Forest, Anza-Borrego State Park, Cuyamaca Rancho State Park, Palomar Mountain State Park, Marine Corps Base Camp Pendleton, and 18 different tribal reservations. While the land use framework does not apply to these lands, the present and planned uses on these lands were considered in its development and assignment of the Regional Categories and Land Use Designations. Additionally, this element contains goals and policies that relate to the planning and development of these lands.

## **LAND USE DESIGNATIONS – PUBLIC AGENCY LANDS**

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### ***Public Agency Lands (State Parks, National Forests and other public agency non-conservation lands).***

Public agency lands comprise 1,160,700 acres, or 50.8 percent, the majority of the unincorporated County land area. State Parks—including Anza- Borrego Desert State Park, Cuyamaca Rancho State Park, and Palomar Mountain State Park—and the Cleveland National Forest contribute significantly to the unique and unspoiled character of the County’s backcountry. The County contains several military installations, including Marine Corps Base Camp Pendleton, which alone encompasses about 135,000 acres, or six percent of the unincorporated County. These installations are designated as “Military Installations.” This category also includes lands owned by the Bureau of Land Management (BLM) and incorporated jurisdictions.

## **PUBLIC AGENCY LAND USE GOAL LU-4**

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**GOAL LU-4 Inter-jurisdictional Coordination.** Coordination with the plans and activities of other agencies and tribal governments that relate to issues such as land use, community character, transportation, energy, other infrastructure, public safety, and resource conservation and management in the unincorporated County and the region.

### **Policies**

**LU-4.1 Regional Planning.** Participate in regional planning to ensure that the unique communities, assets, and challenges of the unincorporated lands are appropriately addressed with the implementation of the planning principles and land use requirements, including the provisions of SB375.

**LU-4.2 Review of Impacts of Projects in Adjoining Jurisdictions.** Review, comment, and coordinate when appropriate on plans, projects, and proposals of overlapping or neighboring agencies to ensure compatibility with the County’s General Plan, and that adjacent communities are not adversely impacted.

**LU-4.3 Relationship of Plans in Adjoining Jurisdictions.** Consider the plans and projects of overlapping or neighboring agencies in the planning of unincorporated lands, and invite comments and coordination when appropriate.

**LU-4.4 Development Compatibility with Military Facilities.** Ensure compatibility of new development with the current and planned mission and operations of U.S. government military installations.

**LU-4.5 Annexations with Incompatible Land Uses.** LAFCO is responsible for coordinating, directing, and overseeing annexation of territory. A prerequisite for annexation is the inclusion of a territory within an adjacent city's sphere of influence. Coordinate with LAFCO to oppose annexations by neighboring cities that would result in land uses incompatible with unincorporated lands.

**LU-4.6 Planning for Adequate Energy Facilities.** Participate in the planning of regional energy infrastructure with applicable utility providers to ensure plans are consistent with the County's General Plan and Community Plans and minimize adverse impacts to the unincorporated County.

**LU-4.7 Airport Land Use Compatibility Plans (ALUCP).** Coordinate with the Airport Land Use Commission (ALUC) and support review of Airport Land Use Compatibility Plans (ALUCP) for development within Airport Influence Areas.

## SAN DIEGO COUNTY ZONING ORDINANCE

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### *SECTION 6950 RENEWABLE ENERGY*

The provisions of Section 6950 thru 6959 shall be known as the Renewable Energy Regulations. The purpose of these provisions is to prescribe reasonable standards and procedures for the installation and operation of Solar Energy Systems and Wind Turbines.

#### 6951 SMALL WIND TURBINE REQUIREMENTS

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Small wind turbines shall comply with the following provisions:

a. A maximum of three small wind turbines is allowed on a legal lot as an accessory use to the primary use of the lot in accordance with the following requirements:

1. Setbacks. The following setback requirements apply:

i. A small wind turbine shall be setback from all private road easements and public roads by a minimum of the distance equal to the wind turbine height or the applicable setback requirements of the zone, whichever is greater. The wind turbine shall also be setback from all property lines by a minimum of the distance equal to the wind turbine height, the applicable setback requirement of the zone or 30 feet, whichever is greater. The wind turbine shall also meet the fire code setback requirements.

ii. No part of the wind turbine shall be closer than 300 feet or five times the turbine height, whichever is greater, from the following:

a. Electric power transmission towers and lines.

b. Blue line watercourse(s) or water bodies as identified on the current United States Geological Survey Topographic Map as posted on the United States Geological Survey website

c. Significant roost sites for bat species as identified on the Small Wind Turbine Constraints map dated October 12, 2012 on file with the department of Planning and Development Services based on data from the California Natural Diversity Database and San Diego Natural History Museum Maps.

d. Recorded open space easements and designated preserve areas.

e. Riparian vegetation as identified on the County Wetland Vegetation Map dated October 12, 2012

iii. No part of a wind turbine shall be closer than 4,000 feet from a known golden eagle nest site. Parcels within 4,000 feet of known golden eagle nest sites are identified on the Small Wind Turbine Constraints Map dated October 12, 2012 on file with the Department of Planning and Development Services and based on data provided by the U.S. Fish and Wildlife Service.

2. Area of Disturbance. A small wind turbine shall not result in an area of ground disturbance (including grading, clearing, brushing, or grubbing) during installation that is larger than a 25 foot radius around the base of a tower, and an access path to the tower that is a maximum of four feet wide. The entire area of disturbance shall be clearly defined on the plans submitted for Zoning Verification Permit review.

3. Barriers. Public access to a small wind turbine shall be restricted through the use of a fence with locked gates or non-climbable towers.

4. Noise. A small wind turbine shall comply with the applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq.

5. Height. The wind turbine height may exceed the height limit of the zone in accordance with section 4620.j, but shall not exceed 80 feet.

6. Lighting. A small wind turbine shall not include any exterior lights unless required by law.

7. Turbine Certification. A small wind turbine shall be listed on the May 23, 2012, California Energy Commission, List of Eligible Small Turbines. A small wind turbine that is not on this list may be used only if the Director determines that the turbine will generate the amount of energy stated in the manufacturer's specifications (i.e., the rated capacity is accurate).

8. Historic Resources. A small wind turbine shall not be located on a parcel listed in the National Register of Historic Places or the California Register of Historical Resources.

9. Ridgelines. A small wind turbine tower shall not be located on a ridgeline, and the turbine blades shall not exceed the height of the ridgeline in an area within 150 feet of the ridgeline.

10. Design. A small wind turbine shall meet the following design criteria:

i. Trellis. Use of trellis style towers is prohibited.

ii. Guy -Wires. Use of guy-wires is prohibited; turbine towers shall be self-supporting.

iii. Tower Base. The entire area within 10 feet of the base of a turbine tower shall be cleared of all vegetation and shall be covered with gravel, mulch or other similar material to prevent the growth of vegetation.

iv. Power lines. All power lines connecting turbine towers and/or generators to a structure(s) shall be installed underground.

v. Safety. A small wind turbine shall be equipped with manual and automatic over speed controls.

vi. Non-Operational. Except for periods of maintenance, a small wind turbine that meets the definition of "Wind Turbine, Non-Operational" in Section 1110 shall be removed from the site within 180 days from the date of becoming non-operational. Upon written request by the Department of Planning and Development Services, the owner of the property on which a turbine is located shall provide documentation to the satisfaction of the Director that the Director may use to determine the operational status of the small turbine.

11. Military Operating Areas. The Department of Planning and Development Services shall provide written notice to the appropriate branch of the United States military prior to the issuance of a Zoning Verification Permit for a small wind turbine located in a Military Operating Area. The notice shall include a description of the location and height of the proposed small wind turbine.

12. Pre-Approved Mitigation Area. A small turbine is allowed on a legal lot designated as Pre-Approved Mitigation Area within the boundaries of the Multiple Species Conservation Program Subarea Plan only with an Administrative Permit. An Administrative Permit may be approved for a maximum of three small wind turbines if all of the requirements of subsection "a" of this section are met and the cumulative rated capacity of the turbine(s) does not exceed 50 kilowatts. Subsections 6951.b and 6951.c below do not apply to lots designated as Pre- Approved Mitigation Area within the boundaries of the Multiple Species Conservation Program Subarea Plan.

b. Up to two additional small wind turbines (five total) are allowed when all wind turbines comply with the requirements of subsection "a" above and all turbines:

1. Meet the height limit of the zone; and

2. Are mounted on an existing permitted structure, such as an accessory structure, allowed pursuant to the Accessory Use Regulations in section 6150.

c. An Administrative Permit may be approved for more than three tower-mounted small wind turbines or more than five roof-mounted small wind turbines if all of the requirements of subsection "a" of this section are met and the cumulative rated capacity of all of the turbines does not exceed 50 kilowatts.

d. The cumulative rated capacity of all small wind turbines on a single legal lot shall not exceed 50 kilowatts.

e. Before a building permit is issued for a small wind turbine, the applicant shall obtain a Zoning Verification Permit to verify that each small wind turbine complies with the requirements listed in Section 6951.

f. A small wind turbine shall comply with all applicable fire code requirements. If a provision of subsection 6951.a is inconsistent with an applicable fire code requirement, the fire code requirement shall take precedence.

## 6952 LARGE WIND TURBINE REQUIREMENTS

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Any number of large wind turbines may be allowed as a Major Impact Services and Utilities use type with a Major Use Permit approved in accordance with the Use Permit Procedure commencing at Section 7350 and subject to the following requirements:

- a. Lot size and status. The lot on which the large wind turbine(s) is to be located shall be at least five acres in size and shall be a legal lot.
- b. Location. The lot shall be located in a wind resources area shown on the Wind Resources Map approved by the Board of Supervisors on May 15, 2013 and on file at the Clerk of the Board of Supervisors as document number \_\_\_\_\_.
- c. Setbacks. The minimum setbacks listed below shall apply. All setbacks shall be measured from the property line to the closest point on the base or support structure of each tower.
  1. From private road easements, open space easements, conservation easements and public roads, the minimum setback shall be a distance equal to 1.1 times the wind turbine height.
  2. From all property lines and existing residences or buildings occupied by civic use types, the minimum setback shall be a distance equal to 1.1 times the wind turbine height.
  3. Additional setbacks may be required to meet the Noise Ordinance, County Code section 36.401 et seq. and/or the noise requirements in subsection "f" below.
  4. Setback Reduction. If the noise levels resulting from a proposed large turbine exceed the requirements of Noise Ordinance, County Code section 36.401 et seq., and/or the noise requirements in subsection "f" below, the setback requirements in subsections 6952.c.2 and 3 may be reduced in accordance with the following provisions:
    - i. A minimum setback equal to 1.1 times the wind turbine height shall be maintained from all existing residences or buildings occupied by civic use types, private road easements, open space easements, conservation easements and public roads; and
    - ii. The applicant has submitted to the Department of Planning and Development Services a document titled, "Consent to Reduce Setbacks" from the owner of each property affected by the proposed setback reduction. The Consent to Reduce Setbacks shall identify the affected property, the owner of the affected property, the property line(s) to which the reduced setback would apply, the reduced setback distance to which the property owner consents and shall include any other information specified by the Director. The property owner's signature shall be acknowledged. The Consent to Reduce Setbacks shall meet the requirements of state law for a recordable document and will be recorded by the Department of Planning and Development Services with the San Diego County Recorder's Office if the provisions of section 6952c.4 are met.
    - iii. If the adjoining property that would be affected by a setback reduction is not subject to the County's land use regulations, the applicant shall submit documentation to the satisfaction of the Director that the adjoining property owner does not object to the setback reduction. Section 6952.c.4.i shall apply, but section 6952c.4.ii shall not apply.

5. Notwithstanding of the setbacks listed in subsections 1, 2, 3, and 4 above, wind turbines located on land subject to the Tule Wind Energy Project Major Use Permit (3300 09-019 (MUP)) shall comply with the following setback requirements:

i. From any existing residence or buildings occupied by civic use types, four (4) times wind turbine height, when measured from center of turbine to residence or building occupied by civic use type; and

ii. From any adjacent property line of a property owner that is participating in the project, 101% of the blade length, when measured from center of turbine to property line: unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and

iii. From any adjacent property line of a property owner that is not participating in the project, 131% of the wind turbine height, when measured from center of turbine to property line; unless either (i) written consent signed by the owner(s) of each lot or parcel affected by the

proposed setback reduction is obtained or (ii) the lot or parcel affected by the proposed setback is owned by the Bureau of Land Management or other state or federal agency that participated in the preparation of the EIR/EIS for the Tule Wind Energy Project; and

iv. From the edge of public road right-of-way, 131% of the wind turbine height, when measured from center of turbine; and

v. From the edge of transmission line easement or right-of-way, 101% of turbine tip height, when measured from center of turbine.

d. Barriers. Public access to a large wind turbine shall be restricted through the use of a fence with locked gates, non-climbable towers or other suitable measures.

e. Signs. A warning sign containing only a telephone number and an address for emergency calls and informational inquiries shall face each vehicular access point to the turbine. Individual signs shall be between five and 16 square feet in size.

f. Noise. The following noise provisions shall apply:

1. Acoustical Study. The applicant shall prepare and submit an acoustical study. The study shall be conducted by a County-approved acoustical consultant and shall demonstrate that (a) each large wind turbine complies with all applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq.; and (b) the C-weighted sound level from each large wind turbine while operating does not exceed the Residual Background Sound Criterion for Wind Energy Facilities by more than 20 decibels as both sound levels are measured at each property line of the lot on which the large turbine is located.

2. Noise Waiver. An increase in the C-weighted sound level limit specified in subsection 6259.f.1 for one or more turbines may be approved as part of the Major Use Permit for turbines located within the designated Noise Waiver Area on the Wind Resources Map in accordance with the following provisions:

i. The large wind turbine complies with all other applicable sound level limits in the Noise Ordinance, County Code section 36.401 et seq.; and

ii. The decision maker finds that the higher C-weighted sound limit is acceptable due to specific economic, social, technological or other benefits that will result from approval of the Major Use Permit and implementation of the Proposed Project,

3. Pure Tone. If the sound from a large wind turbine while operating contains a steady or intermittent pure tone, such as a whine, screech or hum, the applicable standards for noise set forth in County Code section 36.404 shall be reduced by five dBA. A "pure tone" exists if one-third of the octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of sound pressure levels of the two contiguous one-third octave bands by five dBA for center frequencies of 500 Hz or more, by eight dBA for center frequencies between 160 Hz and 400 Hz, or by 15 dBA for center frequencies less than or equal to 125 Hz.

The Tule Wind Energy Project approved on August 8, 2012 in Major Use Permit 3300 09-019 authorizes the development of five wind turbines and related facilities and improvements. These wind turbines are exempt from this Section 6952.f.3. If this Major Use Permit is modified to add additional turbines, section 6952.f.3 shall apply to the additional turbines, but the five wind turbines and related facilities and improvements included in Major Use Permit 3300 09-019 approved on August 8, 2012 shall remain exempt from section 6952.f.3.

4. Compliance Review. A Major Use Permit for a large turbine shall be conditioned to require the submittal of a compliance report to the Department of Planning and Development Services once every two years (from the date of approval of the Use Permit) that demonstrates, to the satisfaction of the Director, that the use meets the requirements of section 6952 and all applicable noise related conditions of the Major Use Permit. The compliance report shall describe any complaints filed with the County during the previous two year period and all corrective actions taken if the use was found to be out of compliance with the requirements of section 6952 and/or the applicable noise related Major Use Permit conditions. As a result of this review, the Director shall determine that the use is in compliance with the requirements of this section and the applicable noise related Major Use Permit conditions or that the Major Use Permit shall be subject to review by the Planning Commission. If the Planning Commission finds that the use no longer complies with the requirements of section 6952 and/or the applicable noise related conditions of the Major Use Permit, the Planning Commission may initiate modification or revocation of the permit in accordance with section 7382.c.

g. Height. A large wind turbine shall comply with Federal Aviation Administration height requirements and day and night marking requirements and shall not create an airport hazard or interfere with military or emergency services aviation operations, such as aerial firefighting

h. Turbine Description. The Major Use Permit shall include the following information:

1. The wind turbine manufacturer(s), model(s), power rating(s) and blade dimensions.

2. The tower manufacturer and model.

3. The Director may authorize the use of different turbines and towers than those specified in the Major Use Permit if the Director determines that the different turbines and towers would cause the same or fewer impacts compared to the turbines and towers listed in the Major Use Permit. A request to use different turbines and/or towers under this subsection shall not require approval of a Major User Permit Modification under section 7358.

i. **Manufacture Specifications.** An application for a Major Use Permit for one or more large wind turbine(s) shall include a copy of the manufacturer's specifications for each proposed wind turbine. The application may include multiple manufacturers' specifications.

j. **Nonoperational Wind Turbine.** Except for periods of maintenance, a large wind turbine that meets the definition of "Wind Turbine, Non-Operational" in Section 1110 for 180 consecutive days shall be decommissioned in accordance with the plan specified in subsection 2 below.

1. **Operational Data.** Upon written request by the Department of Planning and Development Services, the Permittee of a Major Use Permit for a large wind turbine shall provide data to the satisfaction of the Director to allow the Director to determine the operational status of the large wind turbine.

2. **Decommissioning Plan.** The applicant shall prepare and submit a decommissioning plan to the Director for his review and approval. The plan shall provide for the removal of all components of each large wind turbine and the restoration of the site to a condition compatible with surrounding properties within 180 days of the start of the decommissioning period. The decommissioning period begins after a wind turbine has been non-operational for 180 consecutive days as specified in subsection 6952j above.

3. **Secured Agreement.** The applicant shall also enter into a secured agreement with the County that requires the decommissioning plan to be implemented and completed. The terms and conditions of the agreement shall be to the satisfaction of the Director and subject to the review and approval of County Counsel. The Director is authorized to sign the agreement on behalf of the County. The security provided with the agreement shall be in an amount sufficient to cover the County's costs, as determined by the Director, to implement and complete the decommissioning plan in case the owner or operator fails to implement and/or complete the plan. The security shall be in a form approved by the Director. Typical forms of security include a surety bond, irrevocable letter of credit or trust funds. The security shall remain in effect for the entire time that the large wind turbine is operational and for any additional time until the decommissioning has been completed in accordance with the decommissioning plan.

4. **Building Permit.** No building permit for any component of a large wind turbine may be issued until the Director approves the decommissioning plan, signs the secured agreement and accepts the security.

k. **Existing Administrative Permits for Wind Turbine Projects - Modification or Revocation.** Administrative permits for wind turbine projects granted pursuant to Section 7060 prior to January 1, 1986, shall be treated for all purposes as if they are Major Use Permits and shall be subject to all the provisions of the Zoning Ordinance which apply to Major Use Permits for purpose of modification or revocation.

l. **Design.** When a Major Use Permit authorizes more than one large wind turbine, all of the large wind turbines subject to the Major Use Permit shall be uniform in color and tower and turbine design (pole, nacelle, etc.). In addition if there are existing large wind turbines on a lot that abuts the lot on which proposed large wind turbines would be located, the color and tower and turbine design of the proposed large wind turbines shall be uniform with that of the existing large wind turbines. Tower and turbine design does not include turbine height which may vary.

m. **Property Maintenance.** Except for periods of maintenance the property on which a large turbine is located shall be kept clean of turbine parts and or debris associated with the turbine operation.

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## TEHAMA COUNTY

**Coordination Start:** June 2011

**Overview:**

In June 2011 the Navy initiated engagement with Tehama County by first meeting with the Chief Administrator, Senior Planner, and a member from the Board of Supervisors to provide a detailed overview of military operation areas that traverse within their jurisdiction and to discuss actions that could promote compatible development within the military operation areas. Although there are no installations in Tehama County, three military training routes critical to military testing and training are present with lower floor elevations between 200 and 500 feet above the ground level. The military explained types of land uses that could be considered incompatible and the County supported solutions to provide notification of such projects. The Tehama County planning staff expressed an interest in wanting to work together and it was determined by the County that a Zoning Ordinance Amendment would be the best way forward.

In September 2013, the Tehama County Planning Commission and Board of Supervisors accepted the text amendments to Title 17 of the Tehama County Zoning Code to establish Standards and Procedures for the notification, review and permitting of projects under the MTRs in Tehama County.

**Next Steps:** The Military will support the County by providing input on implementation measures.

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## TEHAMA COUNTY GENERAL PLAN

### 2.0 LAND USE

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#### LAND USE GOAL LU-4

**GOAL LU-4** To designate lands for commercial and Industrial development that are appropriate for these purposes and allows opportunities for business and Industrial firms. Encourage compact development continues to existing urban centers, discourage linear and leapfrog development patterns.

**Policy LU-4. 1** The County shall provide adequate amounts of land in identified urban and town centers to be designated and zoned to allow for and support commercial and industrial development.

**Implementation Measure LU-4. 1 a** Update the Zoning Code to be consistent with General Plan land use designations allowing for a variety of commercial and industrial uses adjacent to, and/or within, urban and town center areas.

**Implementation Measure LU-4.1 b** Promote the development of frontage roads, joint-access driveways, and common entrances for commercial developments to minimize multiple direct accesses onto major roadways.

**Implementation Measure LU-4.1 c** Support efforts to improve access to public infrastructure to facilitate the efficient economic development of commercial and industrial properties.

**Policy LU-4.2** The County shall allow for limited local convenience services within rural community centers and rural service centers upon approval of a Conditional Use Permit. Typically, these centers would be small in size, generally ranging from 1,500 to 5,000 square feet, and may include a grocery or convenience store, gas station, and/or small restaurant.

**Implementation Measure LU-4.2a** Amend the Zoning Code to allow limited local convenience commercial services in rural community centers and rural service centers. Generally ranging from 1,500 to 5,000 sq. ft., in rural service centers upon approval of a Conditional Use Permit.

**Policy LU-4.3** The County shall strive to improve access to road, rail, and air transportation in a cost-effective manner to facilitate the development of lands deemed appropriate for commercial and/or industrial uses.

**Implementation Measure LU-4.3a** Investigate funding opportunities and development agreements, which will provide for access improvements usable by industrial and commercial uses.

## LAND USE GOAL LU-6

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**GOAL LU-6** To govern new development with subdivision, zoning, and other regulations that explicitly define government and private sector responsibilities and expectations with regard to an acceptable balance between public facility and service costs.

**Policy LU-6. 1** All new development projects shall be required to pay their reasonable fair share for all improvements necessary to provide adequate public services and utilities systems.

**Implementation Measure LU-6.1 a** Adopt Development Impact Fees, including an affordable housing fund component, for new residential, commercial and industrial development.

**Implementation Measure LU-6.1 b** Work with community service providers, such as school districts, water districts, and service districts, to identify growth-related impacts from new development and identify ways to mitigate impacts and assure the effective delivery of services.

## 3.0 TRANSPORTATION AND CIRCULATION

### TRANSPORTATION AND CIRCULATION GOAL CIR-3

#### GOAL CIR-3

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**GOAL CIR-3** To promote the maintenance and improvement of aviation facilities within the parameters of compatible surrounding land uses.

**Policy CIR-3.1** The County shall continue to protect public and private airports from conflicting land use patterns to the extent practical and discourage noise-sensitive uses and activities near airports.

**Implementation Measure CIR-3.1a** Work with the Tehama County Airport Land Use Commission in the planning of land uses around the airport and the implementation of the Tehama County Airport Comprehensive Land Use Plan (TCACLUP) to ensure protection of airport operations from encroachment.

**Implementation Measure CIR-3.1 b** Encourage and facilitate, where appropriate, local airport authorities' acquisition of aviation easements restricting development within airport approach zones and runway protection zones (RPZ) of the municipal airports within the Airport Land Use Planning Area delineated by the Tehama County Airport Land Use Commission and the traffic patterns adopted by the Red Bluff and Corning Airports.

**Implementation Measure CIR-3.1 c** Review the County Land Use Plan for consistency with the amended Safety and Runway Protection Zones, as well as the policies of this General Plan, at the Red Bluff Municipal Airport following completion of agency actions to adjust runway approach and departure patterns.

**Policy CIR-3.2** The County shall support, encourage, and plan for the expansion of the Red Bluff and Corning Municipal Airports for the purpose of public safety and expand their capacity to accommodate larger aircraft and new air services as specified in the respective airport master plans.

**Implementation Measure CIR-3.2a** Work with the Red Bluff and Corning Municipal Airports, the Tehama County Airport Land Use Commission, the Tri-County Economic Development Corporation, local Chambers of Commerce, and the California Department of Transportation Aeronautics Division, as well as other affected parties, to study the feasibility of expanding the Red Bluff and Corning airports. Should expansion turn out to be a viable option, then the County shall assist in the planning of these expansions.

**Implementation Measure CIR-3.2b** Coordinate with the cities and the State to ensure that Airport Master Plans for each airport are kept up to date in accordance with state and federal requirements to ensure that future aviation demands can be met, and that surrounding land uses will be compatible with airport activities.

**Implementation Measure CIR-3.2c** Implement land use decisions that encourage the orderly growth of the Corning and Red Bluff Municipal Airports and the areas surrounding the facilities within the identified planning boundary. Land use decisions shall be consistent with the standards for buffers and guidelines, as established in the Airport Land Use Plans for the Corning and Red Bluff Airports.

## 8.0 SAFETY

Government Code Section 65302(g) of the California State law requires that a Safety Element be included within the General Plan. The legal requirements are as follows: "A safety element for the protection of the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence, liquefaction and other seismic hazards identified pursuant to Chapter 7.8 (commencing with Section 2690) of the Public Resources Code, and other geologic hazards known to the legislative body; flooding; and wild land and urban fires. The safety element shall include mapping of known seismic and other geologic hazards. It shall also address evacuation routes, military installations, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards."

## TEHAMA COUNTY ZONING ORDINANCE

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### 17.69 MILITARY OPERATION OVERLAY

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#### **17.69.010 Short Title.**

This chapter shall be known as the Tehama County Military Operation Area Overlay.

#### **17.69.020. Purpose and intent.**

The purpose of this Section is to establish procedures for the review and permitting of new development within designated Military Operation Areas (MOA) and Military Training Routes (MTR) which cross Tehama County and to ensure early notification and a timely exchange of project related information. To ensure early notification to the military of discretionary development projects within Military Operation Areas, California Government Code sections 65352 (a) (5) and 6(A), 65940, and 65944 require the exchange of project related information pertinent to military operations between local jurisdictions and the military "...when the proposed action is within 1,000 feet of

a military installation, or lies within special use airspace, or beneath a low-level flight path...” It is the purpose and intent of this article to clearly define for applicants and staff the process for review of projects that may impact military operations.

**17.69.30. Definitions.**

The following shall govern the construction of this chapter:

(A) “Military Operation Area” or “MOA” shall have the meaning set forth in 14 Code of Federal Regulations part 1.1. The MOA is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude of 300’) and ceiling (maximum altitude of 18,000’ or higher). The Military Operations Area in Tehama County subject to this Chapter is depicted on Figure 1 attached to the Ordinance adopting this section and incorporated herein. A true and correct copy of Figure 1 shall be maintained in the office of the director of planning, and shall be available for public inspection.

(B) “Military Training Routes” means aerial corridors across the United States in which military aircraft can operate below 10,000 feet faster than the maximum safe speed of 250 knots that all other aircraft are restricted to while operating below 10,000 feet.

(C) “Height Calculation” means the height of all structures (including wind turbines) as measured by the distance from ground to top of the highest point of the structure. For wind turbines this means the highest point of the turbine blade in vertical position.

(D) “Low-level flight path” includes any flight path for any aircraft owned, maintained, or that is under the jurisdiction of the United States Department of Defense that flies lower than 1,500 feet above ground level, as indicated in the United States Department of Defense Flight Information Publication, “Area Planning Military Training Routes: North and South America (AP/1B)” published by the United States National Imagery and Mapping Agency.

(E) “Special Use Airspace” means the land area underlying the airspace that is designated for training, research, development, or evaluation for a military service, as that land area is established by the United States Department of Defense Flight Information Publication, “Area Planning: Special Use Airspace: North and South America (AP/1A)” published by the United States National Imagery and Mapping Agency.

**17.69.040. Review and Notice.**

A. All new discretionary development projects that have the potential to penetrate the defined floor elevation within a MOA, as set forth on Figure 1 attached to the Ordinance enacting this section, shall be reviewed for hazards to aircraft including but not limited to:

1. Uses that release into the air any substance such as steam, and dust which would impair pilot visibility;
2. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
3. Uses that physically obstruct any portion of the MOA due to relative height above ground level.

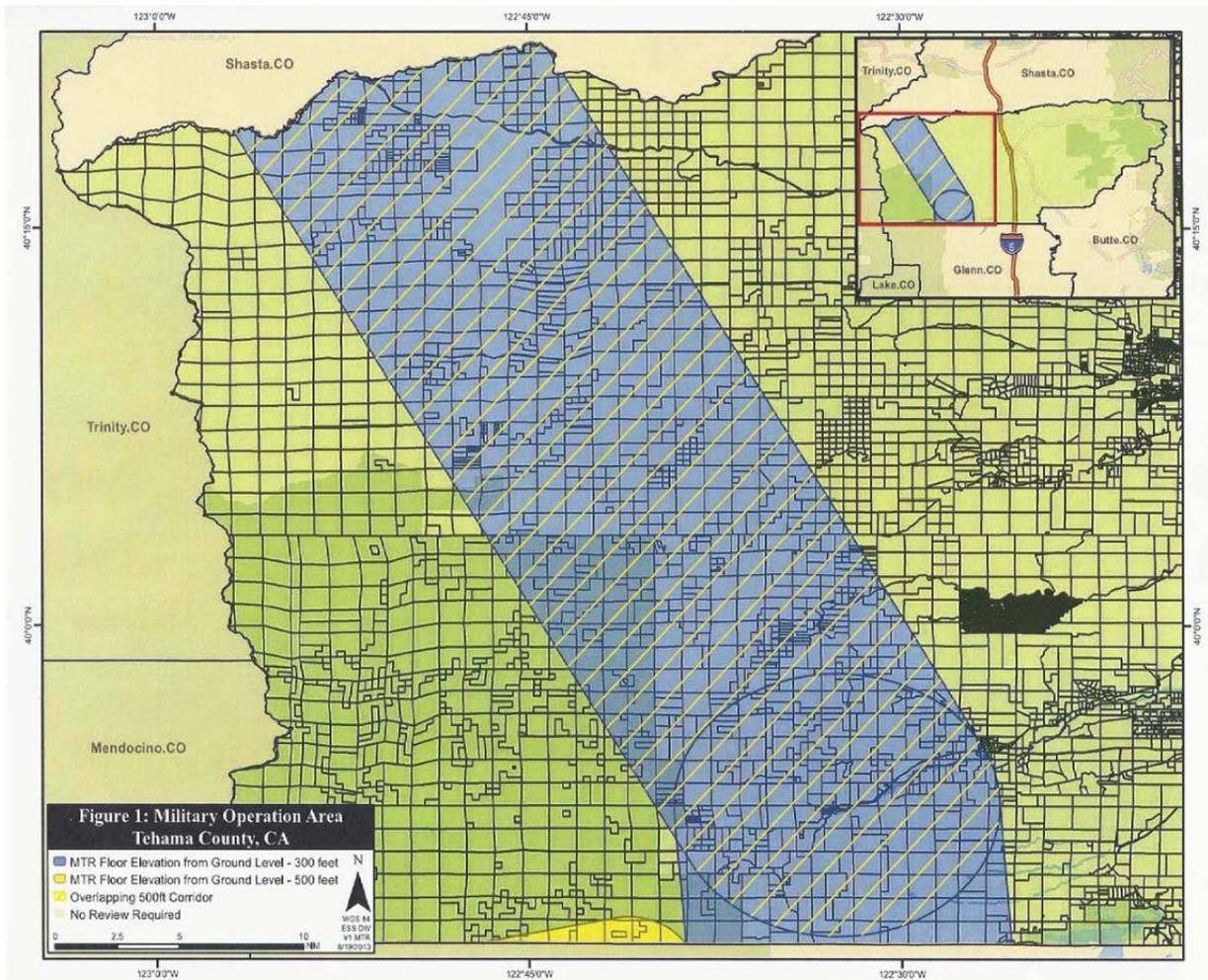
B. Permit processing requirements for proposed new discretionary development projects within or underlying the MOA, or within 1000 feet of a military installation, or within special use airspace, or beneath a low-level flight path are as follows:

1. Structures and land uses may be permitted upon a finding that notice has been provided in accordance with the following:

i. A completed application has been received by the County wherein the project applicant has identified that the proposed project is located within or underlying the MOA, or within 1000 feet of a military installation, or within special use airspace, or beneath a low-level flight path, as applicable.

ii. The County has provided a copy of the completed application to any branch of the United States Armed Forces that has provided the Office of Planning and Research with a single California mailing address within the state for the delivery of a copy of these applications.

2. The proposed structure and use is consistent with all other applicable provisions of this ordinance.



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## TULARE COUNTY

**Coordination Start:** July 2012

**Overview:**

Within Tulare County, the low-level Military Training Routes are located primarily over the eastern part of the county over r Forest District and/or national park lands. However, the western part of the county sometimes requires line of site views are required in support of research and development conducted to maintain military readiness out of China Lake. Any development or new construction that seriously impacts or hinders the military training and testing capabilities function and viability is considered an incompatible land use.

Tulare County has three military training routes in the eastern part of Tulare County used for low-level terrain following experiences, instrument training and testing and resides within special use airspace R-2508. These testing and training operations can occur between 200 and 500 feet above the ground level. However, the greatest threat to critical military operations in Tulare County is more from wind energy development, as the wind turbines could produce radar interference thereby jeopardizing the integrity of the research, testing and training mission from the Navy and US Air Force.

**Next Step:** In support of General Plan Policies PF-6.2 and PFS-6.3 and the RDAT&E from China Lake, new zoning amendments will be needed to provide notification to the Military of the fact that a discretionary permit or variance is under consideration and that no decision shall be made unless the Military has commented.

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## TULARE COUNTY GENERAL PLAN

### *GOALS AND POLICIES – COORDINATION AND COOPERATION*

#### POLICY PF-6

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**PF-6** To work with agencies, districts, utilities, and Native American tribes to promote consistency with the County's General Plan.

**PF-6.1 Plans for Jurisdictions, Agencies, District, Utilities, and Native American Tribes** The County shall work with Tulare County cities; adjacent counties and cities; Federal, State, and regional agencies; local districts; utility providers; Native American tribes; and the military to ensure that their plans are consistent with Tulare County's General Plan to the greatest extent possible.

**PF-6.2 Intergovernmental Coordination** The County shall work with Federal, State, and regional agencies; local districts; utility providers; Native American tribes; and the military to ensure that the County and the public are involved, as appropriate, throughout any planning process and that agency and public input is requested.

**PF-6.3 Consultation on Annexation Proposals** The County shall promote consultation early in the planning process between the cities and the County at the staff level when cities are developing proposed annexation boundaries or proposed sphere of influence expansions. The desire is to provide ongoing coordination at a

**PFS-6** To expand the use of information technology in order to increase the County’s economic competitiveness, develop a more informed citizenry, and improve personal convenience for residents and businesses in the County.

**PFS-6.1 Telecommunications Services** The County shall work with telecommunication providers to ensure that all residents and businesses have access to telecommunications services, including broadband internet service. To maximize access to inexpensive telecommunications services, the County shall encourage marketplace competition from multiple service providers.

**PFS-6.2 Communication Technologies to Improve Citizen Participation** The County shall strive to expand opportunities for all citizens to participate in County governance through use of communication technologies, including the County website and cable television.

**PFS-6.3 Siting of Telecommunications Infrastructure** To minimize the visual and locational impact of wireless telecommunications facilities, the County shall encourage the siting of telecommunications infrastructure to meet the following conditions:

1. Located away from residential and open space areas,
2. When possible, are located or collocated on existing buildings, existing towers, or other existing support structures,
3. Painted, camouflaged, textured, or otherwise designed to better integrate into existing conditions adjacent to the installation site,
4. Located in conformance with the Comprehensive Airport Land Use Plan to avoid vertical obstructions around public use airports in the County, and
5. Located to avoid vertical obstruction and frequency spectrum conflicts in military Special Use Airspace (SUA) and Military Operations Areas (MOA).

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## VENTURA COUNTY

**Coordination Start:** 2005

**Overview:**

In 2005, the County Board of Supervisors asked if a zoning ordinance similar to the Kern County Red-Yellow-Green ordinance was necessary. Staff were generally supportive but felt the low-risk of development didn't warrant an ordinance change. Instead, staff recommended that the height/location provisions be incorporated into operating procedures and the Board concurred.

**Next Steps:** In 2012, Ventura County, in concert with Naval Base Ventura County and several agencies, initiated a Joint Land Use Study (JLUS) through a grant provided by the Office of Economic Adjustment. The JLUS, once completed, intends to provide additional guidance for establishing policies to establish compatible policies to protect military operations. JLUS is slated for completion in 2014.

HUMBOLDT COUNTY

**Coordination Start:** September 2011

**Overview:**

Humboldt County has been amenable to partnering with the military with the goal of promoting land uses that are compatible with military operations. After the military presented the location of military operations in the County and discussed potential impacts to critical training areas, Humboldt County expressed interest in working with the military on incorporating language in their general plan update.

There are no military installations within Humboldt County, but there are several military operating areas used by military aircraft to practice high- and low-altitude training exercises and to traverse between military installations. These testing and training operations can occur as low as 200 feet above ground level. The greatest threat to critical military operations in Humboldt County is from wind energy development, as the wind turbines could penetrate the low level military operating areas, jeopardizing the integrity of the route for testing and training.

The military met with senior planning staff in October 2011 to discuss notification requirements (per SB 1462), General Plan required analysis of impact on military readiness (per SB1468), and the potential for a General Plan Amendment to the Safety Element and draft zoning ordinance amendment establishing a MOA Overlay. The Humboldt County Planning Commission scheduled deliberation regarding proposed amendments to the General Plan Safety Element on December 15<sup>th</sup>, 2011. The proposed military language in the General Plan was passed unanimously by the Planning Commission.

The County began the environmental review process under the California Environmental Quality Act in 2012, and the associated final adoption of the General Plan update. A Zoning Ordinance establishing a MOA overlay will be processed after the General Plan update is approved. The county agreed to administratively implement noticing, review and coordination with the military in the interim. In February 2013 the Board of Supervisors decided to move the Safety Element forward in their review schedule, to deliberate on the revisions in May. The military attended the May 6, 2013 Board meeting and recommended that the notification policy be moved from the Flood Hazard Section and a new recommendation for a zoning ordinance amendment be included to would address military operating areas and compatible land use development. The Board agreed to the changes and directed staff to make the revisions for the final draft

**Next Step:** Continue to work with the planning staff to collaborate on a way forward that will encourage compatible land uses under critical military airspace through implementation of the Military Operating Area zoning ordinance overlay district. The following proposed language to Humboldt County Safety Element is pertinent to the MOAs

### AIRPORT SAFETY

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The County Public Works Department operates six county airports; Arcata-Eureka (McKinleyville) Airport, Murray Field, Dinsmore Airport, Garberville Airport, Kneeland Airport and Rohnerville Airport. The Board of Supervisors has adopted Airport Master Plans for each of the County maintained airports. In addition, the Board of Supervisors acting as the Airport Land Use Commission adopted the Airport Land Use Compatibility Plan. These documents established airport land use compatibility policies surrounding the airports.

In addition to the airport physical facilities, the Department of the Navy operates Military Training Routes (MTR) or Military Operating Areas (MOA) that traverse the central parts of the County. The Military Training Routes are comprised of a three dimensional airspace designated for military training and transport activities that have a defined floor (minimum altitude) and ceiling (maximum altitude). The MTR boundaries and minimum altitudes are identified in the Military Operation Area. Within the MOA, the County needs to consider the impact of new development on military readiness activities and provide notice to the military of new discretionary development within MOA's.

The Airport Land Use Commission (presently embodied as the Board of Supervisors) coordinates with applicable agencies in ensuring compatible land uses for areas surrounding County airports.

The principal airport/airspace/land use compatibility issues at most airports are:

- Noise: Often the most significant of the adverse impacts of airport activities.
- Airspace: The height of structures, trees, and other objects in the MOA or in the vicinity of an airport greatly affects the use of that airport.
- Safety: Controls on land uses near airports can reduce potential risks both to people on the

This Plan requires close coordination between County Planning and Public Works when making land use and zoning decisions around the airports. Specific attention to this issue is given in the community plans, most importantly the McKinleyville Community Plan.

### SAFETY POLICY S-P1

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#### **General Policies**

**S-P1. Reduce the Potential for Loss.** Plan land uses and regulate new development to reduce the potential for loss of life, injury, property damage, and economic and social dislocations resulting from natural and manmade hazards, including but not limited to, steep slopes, unstable soils areas, active earthquake faults, wildland fire risk areas, airport influence areas, military operating areas, flood plains, and tsunami run-up areas.

Sx9PX7. Military Operating Areas. Provide notification and project information to the military for discretionary development projects within military airspace operating areas as may be required by the California Government Code.

[BOS tentative revision 5-20-2013: Straw Vote 5-0- Add Map to Narrative section showing military air space and include a consultation policy with the military in the Governance Section].

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## LOS ANGELES COUNTY

**Coordination Start:** January 2012

**Overview:**

A portion of northern Los Angeles County lies within the operation areas of Edwards Air Force Base, and there are several military operating areas used to conduct training and testing exercises. These testing and training operations can occur as low as 200 feet above the ground level. The greatest threat to critical military operations in Los Angeles County is from wind energy development, as they may impact military operating areas.

Edwards Air Force Base (AFB) has been engaged with Los Angeles County for several years to coordinate the review of new development proximate to the installation. MILITARY began coordination with Edwards AFB in January 2012 to formalize the notification process with Los Angeles County and to coordinate the review of new development projects that may impact military operations and AFB.

At the initial meeting with County planning staff, current and long range planning programs for the areas subject to our MOAs were reviewed including the following items (updates are included to show the progress):

1. In December 2012, the Navy sent suggested revisions to the Draft General Plan to county planning staff for their review, and in April 2012, the General Plan military language was incorporated into the Los Angeles General Plan. The Draft Environmental Impact Report was scheduled to be released in October 2013. Release of the Revised Draft General Plan is scheduled for January 2014 and final adoption anticipated for October 2014.
2. While the General Plan Update proceeds, military language addressing compatible development within the MOAs will be included in the Renewable Energy Zoning Ordinance. Specifically, controls on wind turbines will be addressed prior to a comprehensive zoning ordinance update that is scheduled after the General Plan is adopted.
3. The Antelope Valley Community Plan (AVCP) (where most MTRs and the installation are located) is being prepared that would establish very low densities under the MTRs (1du/20ac). In addition, the AVCP is proposing that the height of structures may be permitted by-right at 30 feet. All structures above this height, including wind turbines, would require issuance of a discretionary Conditional Use Permit. The Navy has provided specific language for the General Plan update to assist in drafting the implementing ordinance (zoning) to limit all structures greater than 30 feet.
4. Administrative actions are being implemented while the General Plan Update and Zoning Ordinance are being prepared. The administrative actions include disclosure of MOAs to applicants prior to submittal of development applications (i.e., pre-application meetings, zoning counter guidance, etc.) of the MOAs and consideration of impacts on military operations to be addressed in the CEQA initial study.

**Next Step:** Review and provide comments on the Draft EIR scheduled for release in January 2014, and continue to work with the planning staff to collaborate on a way forward that will encourage compatible land uses under critical military airspace.

**Table 6.2 Land Use Designations**

**Land Use: Military Land**

**Code: ML**

**Purpose: Military installation and land controlled by U.S. Department of Defense**

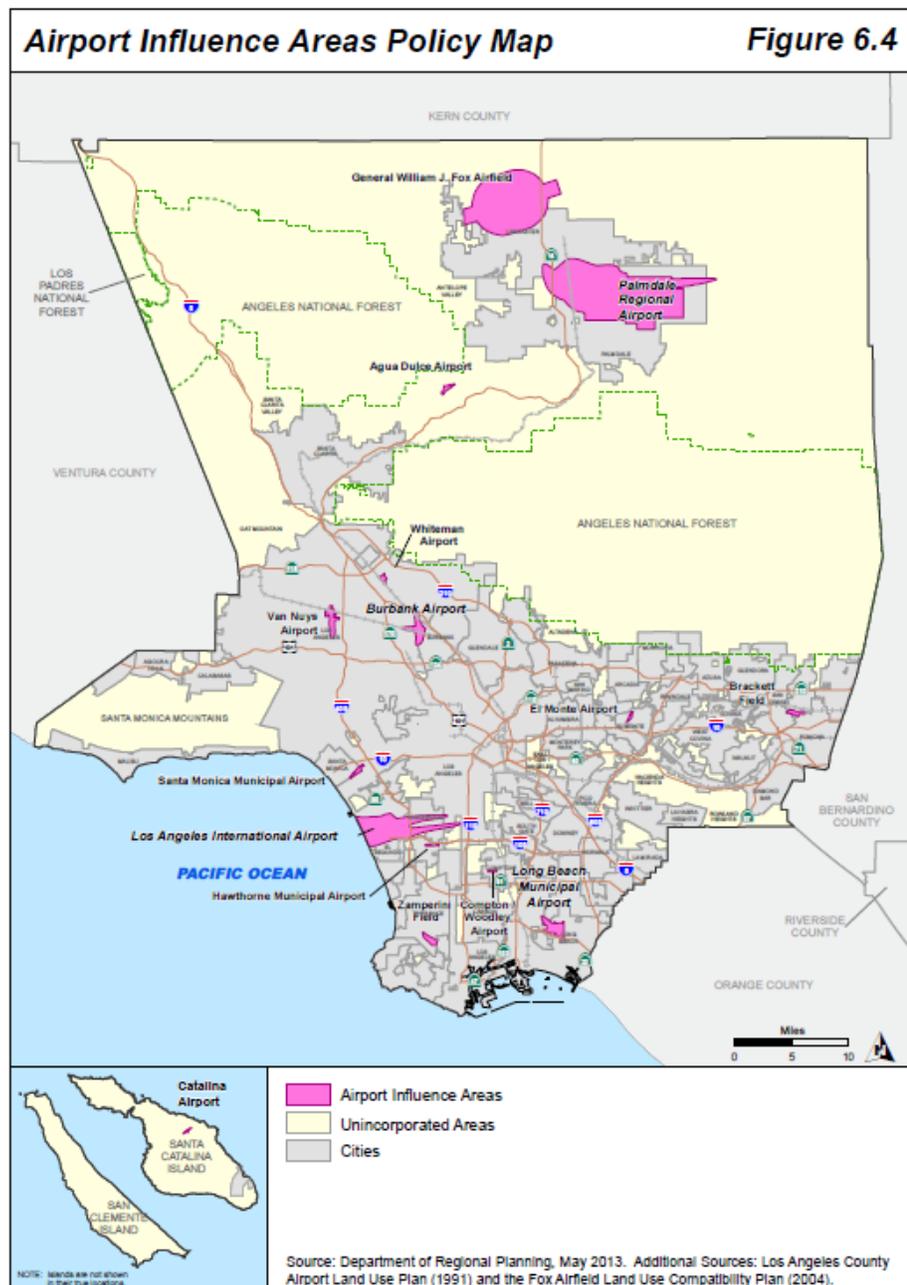
The Land Use Element addresses the General Plan Guiding Principles by ensuring a balance of land uses to meet the diverse needs of the unincorporated areas. The goals and policies of the Land Use Element, including mixed use and transit-oriented development, implement Smart Growth practices and provide guidance for the creation of Healthy, Livable, and Equitable Communities. The Land Use Element also provides the policy framework to plan for the County’s growth, in accordance with the provision of Sufficient Community Services and Infrastructure to support this new growth. The Land Use Element addresses the need for a Strong and Diversified Economy by providing policy direction and the protection of the County’s valuable industrial land. Similarly, the Land Use Element provides the framework to implement the County’s Environmental Resource Management policies, which regulate the considerable natural and environmental resources in the County.

The Land Use Element provides strategies and planning tools to facilitate and guide future development and revitalization efforts in the County. In accordance with the California Government Code, the Land Use Element "designates the proposed general distribution and general location and extent of uses of land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land." In addition, the Government Code states that the "location and designation of the extent of the uses of the land for public and private uses shall consider the identification of land and natural resources..." and "include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan." Furthermore, the Government Code requires the exchange of project related information pertinent to military operations, and considerations for “the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.”

## LAND USE COMPATIBILITY AND DISTRIBUTION

Land use conflicts over noise, odor, exposure to hazards, and community character are important considerations in land use planning. The placement and distribution of land uses has a significant impact on the quality of life. Certain intensive land uses, such as heavy industrial or heavy agricultural uses, should be segregated from residential neighborhoods for health and safety reasons. The General Plan addresses land use compatibility by mapping and regulating uses and intensities, and including policies and programs that encourage the mitigation of land use conflicts through design techniques, such as the use of landscaping, walls, building orientation, and performance standards. The General Plan also encourages developments that are compatible with community identity and character and existing conditions, such as rural and natural environmental settings.

Major facilities, such as landfills, solid waste disposal sites, energy facilities, military installations, and airports should be protected from the encroachment of incompatible uses. For example, the County's Airport Land Use Plan, which was adopted by the Airport Land Use Commission (ALUC) in 1991, addresses compatibility between airports and surrounding land uses by addressing noise, overflight, safety, and airspace protection concerns to minimize the public's exposure to excessive noise and safety hazards within Airport Influence Areas. The County's Airport Influence Areas are shown in Figure 6.4.



## LAND USE GOAL LU 6

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### Goal LU6. Compatible land uses that complement neighborhood character and the natural environment.

**Policy LU 6.1: (Land Use Compatibility)** Reduce and mitigate the impacts of incompatible land uses where feasible using buffers and other design techniques.

**Policy LU 6.2: (Land Use Compatibility)** Protect industrial parks and districts from incompatible uses.

**Policy LU 6.3: (Land Use Compatibility)** Protect public and semipublic facilities, including but not limited to major landfills, solid waste disposal sites, and mineral resource extraction facilities from incompatible uses.

**Policy LU 6.4: (Land Use Compatibility)** Ensure land use compatibility in areas adjacent to military installations and where military operations, testing, and training activities occur.

**Policy LU 6.5: (Land Use Compatibility)** Ensure airport operation compatibility with adjacent land uses through airport land use plans.

**Policy LU 6.6: (Rural Character)** Protect rural communities from the encroachment of incompatible development.

**Policy LU 6.7: (Rural Character)** Encourage land uses and developments that are compatible with the natural environment and landscape.

**Policy LU 6.8: (Rural Character)** Encourage development in rural areas that is compatible with rural community character, preserves open space, conserves agricultural land, and promotes efficiencies in services and infrastructure.

## LAND USE GOAL LU 7

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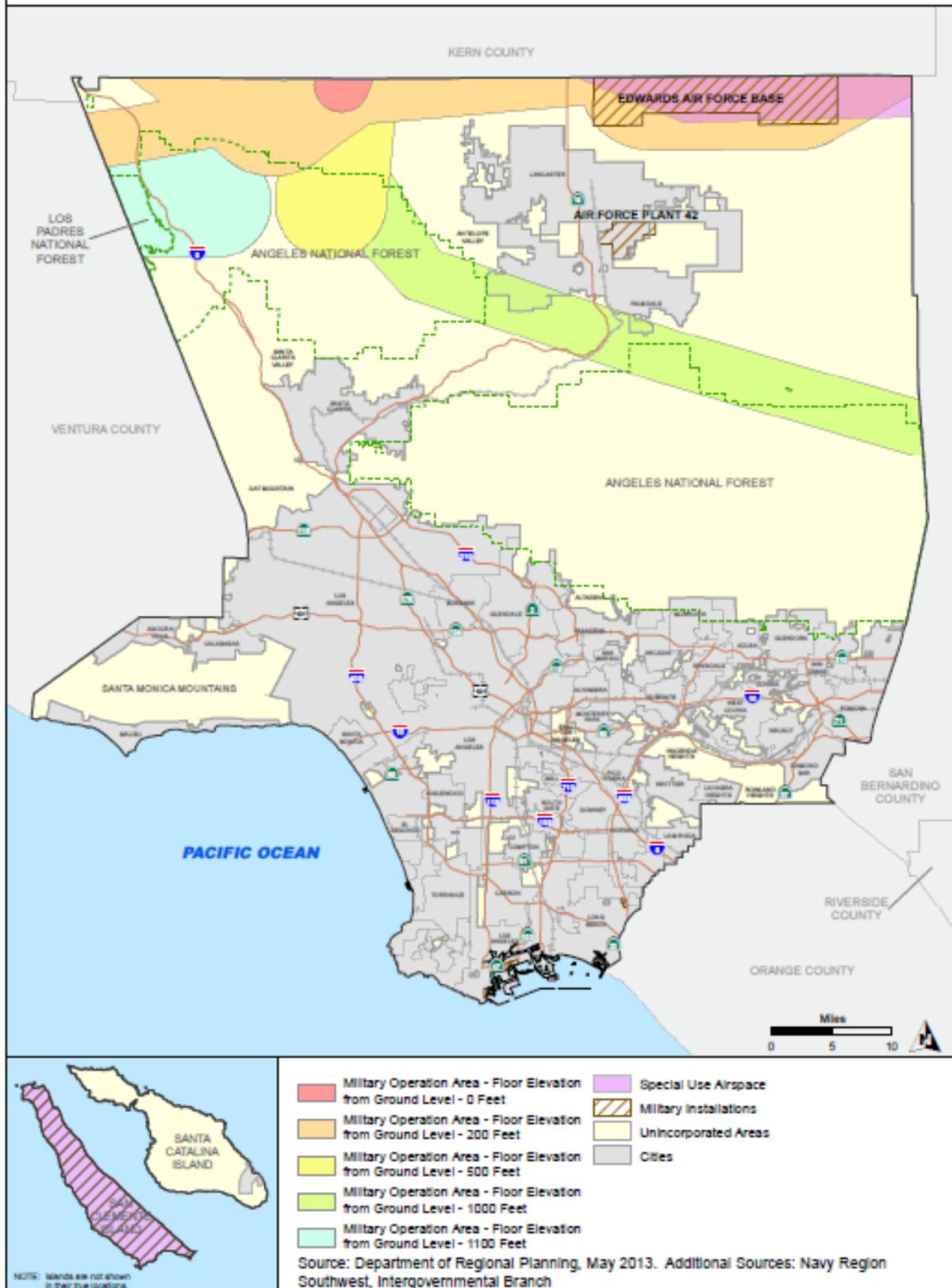
**Goal LU 7.** Land uses that are compatible with military operations and military readiness, and enhance safety for military personnel and persons on the ground.

**Policy LU 7.1: (Military Compatible Uses)** Facilitate the early exchange of project-related information that is pertinent to military operations with the military for proposed actions within MOAs and within 1,000 ft of a military installation.

**Policy LU 7.2: (Military Compatible Uses)** Evaluate the potential impact of new structures within MOAs to ensure the safety of the residents on the ground and continued viability of military operations within the MOAs. In the review of development within MOAs, consider the following:

- Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;
- Uses that release into the air any substance such as steam, dust and smoke, which impair pilot visibility;
- Uses that produce light emissions, glare or distracting lights, which could interfere with pilot vision or be mistaken for airfield lighting;
- Uses that physically obstruct any portion of the MOA due to relative height above ground level; and
- Uses that produce electromagnetic and frequency spectrum interference, and that could impact military operations.

**Military Installations and Operation Areas Figure 6.2**



**15 NON-COMMERCIAL WIND ENERGY CONVERSION SYSTEMS AND TEMPORARY METEOROLOGICAL TOWERS**

The purpose of Part 15 is to provide a uniform and comprehensive set of standards, conditions, and procedures for the placement of non-commercial wind energy conversion systems (WECS-N) and temporary meteorological towers (Temp Met Towers) on agriculturally and residentially zoned lots in unincorporated areas of Los Angeles County to encourage the generation of electricity for on-site use, thereby reducing the consumption of electrical power supplied by utility companies. It is the intent of these regulations to assure that such facilities are designed and located in a manner that minimizes visual and safety impacts on the surrounding community, while reducing significant regulatory barriers to the construction of WECS-N and Temp Met Towers. The provisions of this Part 15 shall not apply to WECS-N and Temp Met Towers that were lawfully established prior to the effective date of the ordinance codified in Part 15.

**22.52.1620 PERMIT REQUIREMENTS**

<b>TABLE 22.52.1620-A: RENEWABLE ENERGY PERMIT REQUIREMENTS</b>						
<b>Use</b>	<i>Permit Required By Zone</i> <i>SPR = Site Plan Review</i> <i>CUP = Conditional use permit</i> <i>N/A = Not Applicable</i>					
	A-1	A-2, A-2-H	OS, W, MXD, MXD-RU	R-A, R-1, R-2, R-3, R-4, R-5	C-H, C-1, C-2 C-3, C-M, C-R, R-R, C-RU	M-1, M-1.5, M-2, M-2.5, M-3
<b>Small-Scale Renewable Energy System</b>						
Small-Scale Solar Energy System	SPR	SPR	SPR	SPR	SPR	SPR
Small-Scale Wind Energy System	MCUP	MCUP	N/A	MCUP	MCUP	MCUP
<b>Utility-Scale Renewable Energy Facility</b>						
Utility-Scale Renewable Energy Facility, Ground-mounted	N/A	CUP	N/A	N/A	CUP	CUP
Utility-Scale Renewable Energy Facility, Structure mounted	SPR	SPR	N/A	SPR	SPR	SPR
<b>Temporary Meteorological Tower</b>	SPR	SPR	N/A	SPR	SPR	SPR
<i>*Permit requirement in the coastal zone are subject to the applicable local coastal program.</i>						

A. Aviation Review. If a minor conditional use permit or conditional use permit is required pursuant to Table 22.52.1620-A above:

1. If the proposed project is located within the Military Installations and Operations Areas (MIOAs) as identified by the General Plan, aviation-related agencies shall review the proposed project for any potential impacts to ensure the safety of residents and continued viability of military training and testing operations. At least 60 days prior to the decision by the Reviewing Authority (Director, Hearing Officer, or Regional Planning Commission), the Department of Regional Planning shall distribute copies of the proposed site plan, elevation plan, and location map to the aviation-related agencies and shall request comments. Aviation-related agencies include but are not limited to the California Department of Transportation Division of Aeronautics, the Department of Public Works – Aviation Division, the federal Aviation Administration (FAA), the County

Forester and Fire Warden, the County Sheriff, Edwards Air Force Base, the United States Navy, Air Force Plant, and U.S. Forest Service. The review shall consider the following:

- a. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;
- b. Uses that release into the air any substances which may impair visibility such as steam, dust, or smoke;
- c. Uses that produce light emissions which could interfere with pilot vision or be mistaken for airfield lighting such as glare or distracting lights; and
- d. Uses that physically obstruct any portion of the MIOA due to relative height above ground level.

2. Any comments received within 30 days of distribution of the proposed site plan, elevation plan, and location map to the aviation-related agencies shall be considered by the Department of Regional Planning and provided to the Reviewing Authority (Director, Hearing Officer, or Regional Planning Commission).

B. Findings. The Reviewing Authority (Director, Hearing Officer, or Regional Planning Commission) shall not approve a minor conditional use permit or conditional use permit unless the applicant substantiates the following findings:

1. All findings required by Part 1 of Chapter 22.56 (Conditional Use Permits);
2. All findings required by Part 27 of Chapter 22.52 (Significant Ecological Areas) if applicable; and
3. If the requested use penetrates the lower floor elevation of any MIOA, the military operator of the MIOA has determined that the requested use is not detrimental to the function of the MIOA and would not pose a health or safety hazard to the public and military personnel.

#### ***CHAPTER 22.100 UTILITY-SCALE SOLAR AND WIND RENEWABLE ENERGY FACILITIES***

This Chapter establishes regulations and permit requirements that support and facilitate the responsible utilization of the County's solar and wind resources. These regulations assure that utility-scale solar and wind renewable energy facilities are designed and located in a manner that minimizes safety and environmental impacts on the surrounding community. The requirements encourage responsible development of these facilities to generate and transmit clean, renewable energy while protecting the health, safety and welfare of residents and the environment.

## 22.100.050 DEVELOPMENT STANDARDS FOR SOLAR AND WIND UTILITY-SCALE RENEWABLE ENERGY FACILITIES

<b>TABLE 22.100.040-A: UTILITY-SCALE Renewable Energy facilities Permit Requirements</b>						
<b>Use</b>	<i>Permit Required By Zone</i> <i>SPR = Site Plan Review</i> <i>CUP = Conditional use permit</i> <i>N/A = Not Applicable</i>					
	A-1	A-2, A-2-H	OS, W, MXD, MXD-RU	R-A, R-1, R-2, R-3, R-4, R-5	C-H, C-1, C-2 C-3, C-M, C-R, R-R, C-RU	M-1, M-1.5, M-2, M-2.5, M-3
<b>Solar Energy Facilities</b>						
Ground-mounted Utility-Scale	N/A	CUP	N/A	N/A	CUP	CUP
Structure-mounted Utility-Scale	N/A	CUP	N/A	N/A	CUP	SPR
<b>Wind Energy Facilities</b>						
Ground-mounted Utility-Scale	N/A	CUP	N/A	N/A	CUP	CUP
Structure-mounted Utility-Scale	N/A	CUP	N/A	N/A	CUP	SPR

### A. Permit Requirements.

1. Utility-Scale Renewable Energy Facilities. Permit requirements are as depicted in Table 22.100.040 – A. The filing information and documents required are as listed in the Department’s Application Information and Checklists.

2. Findings for Utility-Scale Renewable Energy Facilities. The Commission shall approve an application only if the applicant substantiates the following required findings:

- a. The findings for a conditional use permit per Section 22.56.090;
- b. How this request addresses the State’s goal of 33 percent of the State’s electricity coming from a renewable energy source by December 31, 2020;
- c. The requested use at the location proposed will not be materially detrimental to the use, enjoyment or valuation of property or other persons or Military Installations and Military Operation Areas.; and

3. How the request mitigates any loss of Prime Farm Land, Unique Farmland or Farmland of Statewide Importance according to the State of California. Modifications. A variance, in compliance with Part 2 of Chapter 22.56, is required for the modification of any development standard specified in this Chapter.

### B. Development Standards. A utility-scale renewable energy facility shall comply with the following development standards:

1. Access roads. Temporary access roads utilized for initial installation shall be restored and re-vegetated to the pre-existing natural condition to the greatest extent possible after completion of the installation. All temporary and permanent ingress and egress points to the facility shall be designed and sited to the satisfaction of Public Works and shall consider adequate spacing from intersection and maintain adequate sight distance.

2. Aviation safety.

a. The Director shall distribute copies of the proposed site plan, elevation plan, and location map to aviation-related regulatory agencies and facilities with flight operations in the vicinity of the proposed project, as determined by the Director. Regulatory agencies include the California Department of Transportation Division of Aeronautics, Department of Public Works, Aviation Division, Federal Aviation Administration (FAA), County Forester and Fire Warden, County Sheriff, Edwards Air Force Base, Navy, Air Force Plant 42, and the Airport Land Use Commission. Any comments received within 30 days of distribution of the plans will be considered in establishing conditions of approval. Any comments received on facilities approved by a site plan review will be mandatory development standards.

b. A utility-scale renewable energy facility shall not penetrate the imaginary surfaces (primary, approach, transitional, horizontal, and conical surfaces) designated by the FAA for airports to enhance the safe and efficient use of navigable airspace as defined by Federal Aviation Part 77.

c. Facilities that are located within Military Operations Areas (MOA), as defined by the General Plan, shall be evaluated by the aviation-related aviation agencies for any potential impacts to ensure the safety of the residents on the ground and continued viability of military training and testing operations.. The review shall consider the following:

i. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations;

ii. Uses that release into the air any substances such as steam, dust and smoke, which impair visibility;

iii. Uses that produce light emissions, glare or distracting lights, which could interfere with pilot vision or be mistaken for airfield lighting;

iv. Uses that physically obstruct any portion of the MOA due to relative height above ground level; and

v. Uses shall not penetrate the lower floor elevation of the MOA unless the military operator of the MOA has determined that the proposed use is not detrimental to the function of the MOA and would not pose a health or safety hazard to the public and military personnel.

d. A safety light that meets FAA standards shall be required for all facilities that exceed an overall tower height of 200 feet. A safety light may be required on shorter towers as deemed necessary by any of the aviation-related regulatory agencies or the Commission. No other lights shall be placed on the tower. Any safety light shall meet FAA standards and be visible to pilots utilizing night vision equipment.

e. A renewable energy facility shall not be located within the Runway Protection Zone of any airport, as defined in the County's Airport Land Use Plan.

3. Site planning. Permanent storage areas, administration, maintenance, and operations buildings, and equipment associated with renewable energy facilities shall be located and screened such that impacts to biological resources, farmland, agricultural resources, and visual quality are minimized.

4. Decommissioning Plan. Prior to obtaining any grading permit, the permittee shall provide the Department of Regional Planning and the Department of Public Works with a Decommissioning Plan in connection with any

and/or all of the terminating events described as a Discontinued Use. The Plan shall include, at a minimum, a detailed plan for decommissioning and deconstructing the facility and for the restoration of the site in the event the project or portion of the project is no longer useable or reusable as described below. The Plan shall be developed to the satisfaction of the Director of Regional Planning and the Director of Public Works. The Decommissioning Plan shall provide for, including, but not limited to, the following:

- a. Removal of solar panel and/or wind turbine structures and all appurtenant above-ground equipment;
- b. Removal of on-site overhead poles and above-ground electricity lines;
- c. Removal of permanent above-ground transmission lines and poles located in the public right-of-way if determined not usable by the County or any other applicable public or private utility. Otherwise such transmission poles shall be allowed to remain;
- d. on-site substation may remain if public or private utility assumes ownership of the substation, otherwise it shall be removed;
- e. Restoration of any disturbed soil and revegetation of the site to its preconstruction condition, with native vegetation similar to the vegetation in the surrounding vicinity;
- f. If the site was used for farming, restoration of the site to its previous farmland condition;
- g. If the site includes reusable permanent facilities usable by the owner of the property, such facilities may remain, otherwise such facilities shall be removed and the site restored to pre-existing condition to the greatest extent possible. If the owner maintains existing facilities on the property for a different use an additional entitlement for the proposed use may be required;
- h. Restoration or reclamation of the site, including any project road to their pre-construction condition unless the then-existing owner of the site elects to retain the improved road for access throughout the site;
- i. Details of the performance and financial assurance guarantees, explaining the amounts and schedule for the provision of such guarantees;
- j. Authorization for the County to enter a site and perform any work related to implementing the approved decommissioning plan and utilizing the decommissioning financial assurance guaranties; and
- k. The project owner shall post a bond and/or another form of security acceptable to the Director of Public Works, sufficient to manage and execute the decommissioning plan.

5. Discontinued Use. In the event that any portion of the facility is not in operational condition for a consecutive period of 12 months, operations for that portion of the site shall be deemed to have been discontinued and that portion of the facility shall be removed from the site within 90 days from the date that written notice is sent to the permittee from Regional Planning. Within this 90-day period, the permittee may provide the Director a written request and justification for an extension of up to 12 months to resume operations of that portion of the site, which request shall be subject to the satisfaction of the Director.

A second written request and justification for a second extension of up to 12 months may also be submitted, which the Director may grant if the request is adequately justified based on the Director's determination. In no event shall the operation of the facility or portion of the facility be discontinued for more than 36 months

from the date such operations were first deemed discontinued without being decommissioned pursuant to the approved Decommissioning Plan. Further, in no event shall any extension of the period to resume operations of any portion of the site pursuant to this standard be deemed to extend the term or expiration date of the approval.

6. Fencing Allowed. To protect utility-scale renewable energy facilities chain-link fences up to 8 feet in height, regardless of any other fencing standards, shall be permitted. Such fences may not be located within 15 feet of a public street or highway. Fencing height and placement shall provide for minimum corner sight distance. Drought-tolerant vegetation shall be preserved or placed between fences and property frontage on public right-of-way, unless determined infeasible or inappropriate by the Planning Director. No fencing shall be required where projects employ full-time security guards or use video surveillance or allow for open space buffers.

7. Fugitive dust.

a. Fugitive dust emission shall be controlled by phased earthwork, site watering, clean gravel where applicable, application of non-toxic soil stabilizers, limiting public access on unpaved areas, and posting roadways with reduced speeds. Dust shall be controlled during construction, operations, and removal and restoration activities.

b. A project shall be designed so as to minimize the amount of grading necessary to reduce dust impacts.

8. Lighting. Night-lighting, limited to that required for safety and security, shall be shielded and directed downward to avoid lighting trespass and shall consist of: (a) motion sensor for entry-lighting to the on-site equipment structures and buildings; (b) for projects with operation and maintenance buildings, install light-sensor or motion-sensor lighting for the main plant access gate and operations and maintenance building doorways and parking areas; and (c) all outdoor light fixtures shall be full cut-off light fixtures as defined in Part 9 of Chapter 22.44.

9. Maintenance. All equipment and facilities shall be maintained in an operational condition that poses no potential safety hazards. Maintenance shall include, but not limited to, painting, regularly scheduled cleaning, mechanical/electrical repairs, structural repairs and security measures.

10. Noise. Noise-generating equipment in a renewable energy facility shall comply with Title 12, Chapter 12.08 of the Noise Control Ordinance, and comply with the General Plan. No noise shall exceed maximum levels, as measured at the closest neighboring inhabited dwelling, school, church, hospital, or similar sensitive use, except during short-term events such as utility outages and severe windstorms.

11. Number and Spacing. More than one energy facility may be located on the same property if all of the location requirements and standards of this Chapter can be met for each facility. .

12. Significant Ecological Areas. All utility scale renewable energy projects located within a Significant Ecological Area shall not commence construction or operation prior to having a Habitat Mitigation Monitoring Plan approved by the Department of Regional Planning following SEATAC review and recommendations.

13. Signs. One ground-mounted or pole-mounted project identification sign may be located at each point of project ingress and egress. Total sign area of all signs shall not exceed fifty square feet in area and five feet in height. Signs shall include owner information and emergency contact. No other signs shall be installed other than safety and required warning signs.

14. Site disruption.

- a. Within the project site the land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility.
- b. Existing topography and watercourses shall be retained or restored to preexisting conditions.
- c. All facilities and access ways shall be designed to minimize erosion, sedimentation, or other impacts to the natural hydrology and drainage patterns of the site.
- d. Grading quantities shall be distinguished from general disturbance earthwork. Use of disc, leveling less than one foot in height or depth, and final rolling of earthwork area is not to be counted as grading quantity.

15. Structural Safety.

- a. All energy facilities shall be designed and constructed based on the current County of Los Angeles Building Code; and
- b. A geotechnical investigation report may be required, at the discretion of the Director of Public Works. Conditions of approval may be imposed to implement the safety recommendation of such investigations

16. Transmission lines. Transmission lines shall be placed underground within existing rights-of-way to the greatest extent feasible. Where transmission lines are proposed to be constructed above ground due to barriers or other significant obstructions to underground construction, they should be planned and designed to minimize visual impacts as seen from public roads, other public viewing areas, and adjacent properties. Undergrounding is not required when connecting to a transmission station.

17. Visual impact.

- a. Any renewable energy project that is placed within the viewshed of a County or State designated Scenic Highway shall be analyzed for its visual effects, and conditions of approval relating to siting, buffers, and the height and design of the facility may be imposed to minimize significant effects on the viewshed.
- b. Within the Coastal Zone, the placement of a renewable energy project shall not obstruct public views of the ocean from a County or State designated Scenic Highway, unless specific provisions for such siting are provided for in the applicable Local Coastal Plan and Coastal Development Permit or Long Range Development Plan.

18. Water quality protection. Measures to protect groundwater and surface water from potential spills shall be incorporated into the project design, as appropriate, and any discharge of wastes into surface water must meet the requirements of the Regional Water Quality Control Board.

## ANTELOPE VALLEY COMMUNITY PLAN

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### CHAPTER 2 LAND USE ELEMENT

Land use is the act of defining compatible activities and built forms in order to determine their appropriate distribution within a given area. Land use authority is given to local governments to shape the physical

environment by recognizing daily needs and directing future long-term changes in housing, business, recreation, and open space.

This Land Use Element contains two major components, the Land Use Goals and Policies and Land Use Policy Map, which explain how development and preservation of land should occur in the Antelope Valley. The Land Use Goals and Policies articulate how the Area Plan's Vision Statement and Rural Preservation Strategy will be achieved by setting out intended land use outcomes. As a visual reflection of the Land Use Goals and Policies, the Land Use Policy Map provides land use designations that establish locations for various types and densities of land use in the unincorporated Antelope Valley. The Land Use Policy Map determines the highest intensity of future development that the land can accommodate within a certain timeframe.

## LAND USE GOAL LU 3

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**GOAL LU 3** A land use pattern that minimizes threats from hazards.

**Policy LU 3.1:** Prohibit new development on fault traces and limit the amount of potential development in seismic zones.

**Policy LU 3.2:** Limit the amount of potential development in Very High Fire Hazard Severity Zones.

**Policy LU 3.3:** Limit the amount of potential development in Flood Zones designated by the Federal Emergency Management Agency.

**Policy LU 3.4:** Limit the amount of potential development on steep slopes identified as Hillside Management Areas.

**Policy LU 3.5:** Limit the amount of potential development in landslide and liquefaction areas.

**Policy LU 3.6:** Limit the amount of potential residential development in airport influence areas and near military lands.

## LAND USE POLICY MAP

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The Land Use Policy Map (Map 2.1: Land Use Policy) implements the Goals and Policies through the framework of rural town center areas, rural town areas, and rural preserve areas outlined in the Area Plan's Rural Preservation Strategy (Map 2.2: Rural Preservation Strategy). These areas are described below and are further explained in the discussion of land use concepts for each community that is provided in Chapter 6: Community-Specific Land Use Concepts.

### Public and Open Space Land

Existing open space lands throughout rural town center areas, rural town areas, and rural preserve areas are identified on the Land Use Policy Map as one of the following Open Space designations, depending on the use of the land:

- Parks and Recreation (OS-PR)
- Conservation (OS-C)
- Water (OS-W)
- Bureau of Land Management (OS-BLM)
- National Forest (OS-NF)

- Military Land (OS-ML)

Privately owned lands within the National Forest are designated on the Land Use Policy Map as Rural Land, indicating the underlying infrastructure constraints, environmental resources, and safety hazards. Existing public and semi-public facilities throughout rural town center areas, rural town areas, and rural preserve areas are designated on the Land Use Policy Map as Public and Semi-Public Facilities (P).

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## CONCEPTS UNDER CONSIDERATION

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### LASSEN COUNTY

**Coordination Start:** April 2011

**Overview:**

There are several military operating areas in the County that support the military testing and training operations. Lassen County engagement began during a multi-County meeting to discuss military operations in Northern California in April 2011. During the initial collaboration session with the County, Lassen County staff expressed interest in working with the military on incorporating language in their general plan. In August 2011, the Navy presented to the Board of Supervisors and supported the Board allow planning staff to work with the military to begin the process of adding policies to the Energy Element of the Lassen County General Plan.

**Next Step:** Continue to work with the Planning Director and associated staff during the Energy Element exploration (RFP for firm to review discrepancies and associated decision to or not to move forward with Element). Depending on the outcome, either support the County with the Energy Element or decide on a viable way forward.

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### LASSEN COUNTY GENERAL PLAN

#### *ENERGY ELEMENT*

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#### 4.3.2 POLICIES FOR EACH ENERGY TECHNOLOGY FUEL TYPE

##### **4.3.2.x Impact of Energy Development on Military Operating Areas**

In guiding growth and development in Lassen County, it is important to consider the critical role of the Military Operating Areas (MOAs) in Lassen County that support our national defense. Within Lassen County there are several MOAs that function as ‘highways in the sky’ used by military aircrafts to practice high- and low-altitude training exercises and routes used to traverse between military installations. Any development or new construction that seriously impacts or hinders the MOA’s function and viability is should be considered as an incompatible land use.

The MOA boundaries and minimum altitudes are depicted in the Military Operating Overlay (Figure X) and are comprised of a three dimensional airspace designated for military training and transport activities that have a defined floor (minimum altitude) and ceiling (maximum altitude).

The importance of protecting MOAs from incompatible development is also mandated by the California Government Code which states the General Plan:

*“shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.”*

Therefore, the Lassen County General Plan shall implement a process to identify, coordinate and assist in resolving potential land use conflicts within the military operations areas to ensure that new development is compatible with military operations and to safeguard mission training requirements and support military readiness. New

development shall be reviewed and regulated to ensure that operations within the MOA are not severely impacted and the public safety maintained.

Implementation Measures:

1. To ensure early notification to the military of proposed development projects within MOAs, the County shall implement California Government Code to facilitate the exchange of project related information pertinent to military operations within the MOAs.
2. The County will evaluate the potential impact of new structures proposed within the MOAs to ensure the safety of the residents on the ground and continued viability of military operations within the MOAs.
3. The County shall coordinate with the military experts to site new structures in a manner that do not significantly impact military readiness. Issues to be considered include but are not limited to:

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*Uses that physically obstruct any portion of the MOA due to relative height above ground level.*

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## NEVADA COUNTY

**Coordination Start:** January 2013

**Overview:**

Nevada County contains one military operating where training within the military training route as well as commutes in between installations occurs. These testing and training operations can occur as low as 100 feet above the ground level. The greatest need to foster compatible land use is from projects such as wind energy development and installation of telecommunication towers on mountainous ridges, as the wind turbines and cell towers could penetrate the military operating areas therefore inhibiting the use of the route.

In the summer of 2013 the County began a work plan to update the Land Use Element of the General Plan. The intent of the update is to incorporate language protecting military assets in the General Plan, including an associated airspace map. The Board of Supervisors gave approval to begin the Land Use Element update in June of 2013. The first phase of the General Plan Land Use Element update will be programmatic only to meet state mandates and some minor update/clean up issues, and is on the fast track in order to implement a state mandated deadline to meet the requirements of SB 244 by Spring of 2014. Part of the work plan of this phase is to further identify needs for future phases. The second phase, slated for 2015-2017 will be more comprehensive, and will include language to promote compatible development within the MOAs. The area of the MOA in the eastern portion of the County is in a mountainous region that is a key location for cell towers.

**Next Step:** Continue to work with the Planning Director and senior staff during the General Plan update process, to achieve military language in coordination with SB1468.

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## NEVADA COUNTY GENERAL PLAN

### *LAND USE ELEMENT*

#### **Airport Land Use Compatibility Plans**

State law requires that any county with an airport operated for the benefit of the general public establish an Airport Land Use Commission (ALUC).

ALUCs were first established under the California State Aeronautics Act in 1967 for the fundamental purpose to promote land use compatibility around airports. ALUCs have three primary functions under state law:

1. The adoption of land use standards that minimize the public's exposure to safety hazards and excessive levels of noise.
2. Prevent the encroachment of incompatible land uses around public-use airports.
3. The preparation of an Airport Land Use Compatibility Plan (ACLUP) for the area around each public use airport that defines compatible land uses for noise, safety, airspace protections, and overflight.

Government Code Section 65302.3 establishes that each county and city affected by an airport land use compatibility plan must make its general plan, any applicable specific plans and zoning ordinance consistent with the ALUCP. Alternatively, local agencies can take the series of steps listed in the Public Utilities Code to make specific findings to overrule the ALUCP policies or portions of it. While the ALUC has the sole authority to adopt the

ALUCP and conduct compatibility reviews, the implementation of the compatibility policies rests with local governments.

#### ***Nevada County Airport Land Use Compatibility Plan***

The Nevada County Airport Land Use Compatibility Plan (NCALUCP) was adopted by the Nevada County ALUC on September 21, 2011. Land areas within the jurisdictions of City of Grass Valley and Nevada County are affected by the NCALUCP.

#### ***Tahoe Truckee Airport Land Use Compatibility Plan***

The Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP) was adopted by the Truckee Tahoe ALUC on October 19, 2010. The TTALUCP identifies compatibility zones that include land areas within the local jurisdictions of the Town of Truckee, Placer County and Nevada County.

### ***GOALS, POLICIES AND PROGRAMS***

#### **LAND USE GOAL 1.20**

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#### **GOAL 1.20: Ensure the compatibility of land uses within military airspace.**

##### **Policy**

Identify the airspace used by the military in Nevada County and develop procedures to coordinate with the military the review of new development to ensure that it is compatible with military air operations.

##### **Programs**

- Refer all major land use actions potentially impacting military airspace to the military for review and comment. Nevada County will evaluate to ensure safety of residents on the ground and continued viability of military operations in the MOA.
- Amend the Land Use Development Code Chapter \_\_\_\_\_ to depict the military airspace on the official zoning maps and establish procedures for determining when land development under military airspace would not be compatible.
- Create a process to identify, coordinate, and assist in resolving potential land use conflicts within the military operations area to ensure that new development is compatible with military operations and to safeguard mission training requirements and support military readiness.
- To ensure early notification to the military of proposed discretionary development projects within the MOA, implement California Government Code Sections 65352 (a)(5) and (6)(A), 65940, and 65944 to facilitate the exchange of project related information pertinent to military operations within the MOAs.
- The County will evaluate the potential impact of new structures proposed within the MOA Military Review Area Figure \_\_\_\_\_ to ensure the safety of the residents on the ground and continued viability of military operations within the MOA.
- Utilize the zoning ordinance to require discretionary review of all proposed development projects within the MOA (Figure \_\_\_\_\_ ) that may produce height obstructions that could impact military operations.

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## SHASTA COUNTY

**Coordination Start:** March 2013

**Overview:**

There are no Navy installations within Shasta County, but there are several military operating areas as low as 200 to 500 feet above the ground level. Given the low level operations, the MILITARY reached out the County to ensure awareness of military airspace and the need to collaborate on projects under the airspace to avoid a life safety issue and ensure compatible land use.

The MILITARY reached out to Shasta County in March 2013 after the County brought a new planning director on board. At the time of the engagement, the County made aware to the Navy of their plans to start a General Plan update.

In May 2013 the Navy initiated contact with Shasta County to discuss critical military air operations in the county and potential encroachment management methods. A successful meeting with Shasta County senior planning and GIS staff led to further coordination with the County's contractor on draft general plan text revisions. The contractor is assisting the county with general plan update project. Draft language shown below is in the conceptual phase given the collaboration has just started on incorporating language into the General Plan.

**Next Step:** Continue to work with the contractor and planning staff during the General Plan update process, to achieve a plan that can be approved and implemented.

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## SHASTA COUNTY GENERAL PLAN

### *CHAPTER 7.1 COMMUNITY ORGANIZATION AND DEVELOPMENT PATTERN*

On September 26, 2000, AB 2838 (Chapter 761, Statutes of 2000) was signed into law. This legislation, titled the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (GC Section 5600), provides for newly adopted guidelines to assist local LAFCOs in conducting municipal service reviews of municipal services provided in the county or other appropriate designated areas.

Existing law requires that a service review be completed in preparation of the adoption and/or update of a sphere of influence. Therefore, any municipal service which has a service area defined by LAFCO through a sphere of influence needs to have municipal service review. LAFCO may include one or more services in the review and the study area may be the whole county, multiple counties, or any appropriate sub-area, as determined by LAFCO.

The Shasta County LAFCO initiated its review as required by law and completed this task in May 2003 with its report "Municipal Services Review, Volume I, County of Shasta and County Service Areas." This document contains a wealth of information on the range and level of services and operations of the County's CSA's and should be consulted for detailed information on any of these districts.

The State Planning and Zoning laws clearly recognize that the planning areas of cities, counties, and special districts will overlap to define areas of mutual concern. Accordingly, State law outlines the nature of the planning interaction among these agencies.

General plans or elements thereof proposed for adoption by cities should be referred to the county in which they are located for review and comment, and the county should do likewise for cities within its boundary (GC 65352).

Upon adoption of a plan or constituent elements by cities and county as described, copies of the adopted plan should be exchanged and may be adopted by the receiving entity as part of its general plan (GC 65357). Five-year capital improvement programs prepared by a special district must be referred for review to cities and counties within which the district operates (GC 65403(c)). The purpose of this review is to solicit comments regarding consistency with the applicable general plan.

State planning law also provides for the coordinated implementation of general plans through the construction of public works projects. Counties and cities may require school and special districts operating wholly or partially within their jurisdictions to submit lists of public works projects proposed for planning or construction during the ensuing fiscal year. These lists will be reviewed by the receiving agency and integrated into a coordinated public works program which shall be evaluated for conformity with the applicable general plan (GC 65401). Cities, counties, and special districts may not undertake a public works project, including the acquisition and disposal of land, within unincorporated and incorporated territory until the project's consistency with the applicable General Plan has been determined (GC 65402 (b,c)).

## COMPATIBLE DEVELOPMENT WITHIN MILITARY OPERATING AREAS

Within Shasta County there are several Military Operating Areas (MOA) that function as ‘highways in the sky’ used by military aircraft to practice high- and low-altitude training exercises and define routes used by military aircraft to traverse between military installations. Specifically, the MOA can be defined as a three dimensional airspace designated for military training and transport activities that have a defined floor (minimum altitude) and ceiling (maximum altitude) above mean sea level (MSL). MOA boundaries and minimum altitudes are depicted in the Military Review Area; Figure XX. All new development that could penetrate the defined floor elevation within an MOA shall require a discretionary permit and be reviewed for hazards to aircraft including but not limited to:

- Uses that physically obstruct any portion of the MOAs due to relative height above ground level.

Within the MOA, any development or new construction that seriously impacts or hinders the MOA’s function and viability is considered incompatible land use. Planning to ensure that all future land uses are compatible must be an overarching goal of the Shasta County General Plan.

In addition, California Government Code Section 65302 (a)(2), states it is important to consider the critical role of MOAs in support of national defense as follows:

California Government Code section 65302 (a)(2), states the land use element:

—shall consider the impact of new growth on military readiness activities carried out on military bases, installations, and operation and training areas, when proposing zoning ordinances or designating land uses covered by the general plan for land, or other territory adjacent to military facilities, or underlying designated military aviation routes and airspace.”

To ensure early notification to the military of proposed discretionary development projects within Military Operating Areas, California Government Code Sections 65352 (a)(5) and (6)(A), 65940, and 65944 require the exchange of project related information pertinent to military operations : “when the proposed action is within 1,000 feet of a military installation, or lies within special use airspace, or beneath a low-level flight path...”

To address California Government Code requirements, the Shasta County shall create a process through the zoning ordinance to identify, coordinate and assist in resolving potential land use conflicts within the MOA to ensure that new development is compatible with military operations and to safeguard mission training requirements and support military readiness. This shall include, but not be limited to, special use permit and variance provisions to require discretionary review of all proposed development projects within the MOAs (Military Review Area Figure XX) that may produce height obstructions, glare, smoke, dust, steam, and electromagnetic interference that could impact military operations. The County shall consult with the military expert when proposing new discretionary development projects within the MOA corridors on the Military Review Area Figure XX.

Interjurisdictional planning relationships are illustrated in Figure CO-1. Areas II and III of this figure show where urban development standards are needed so that added costs can be avoided upon annexation. Area V illustrates a situation where a special district will provide a service to an area which will ultimately be urbanized and annexed by a city. One option would be to de-annex this area from the service area of the special district and incorporate it within the city. Another option, which is shown in Figure CO-1, is for the special district to continue to provide its service to the area subsequent to annexation. In either case, joint city-county-special district planning is required to facilitate orderly and cost effective provision of urban services.

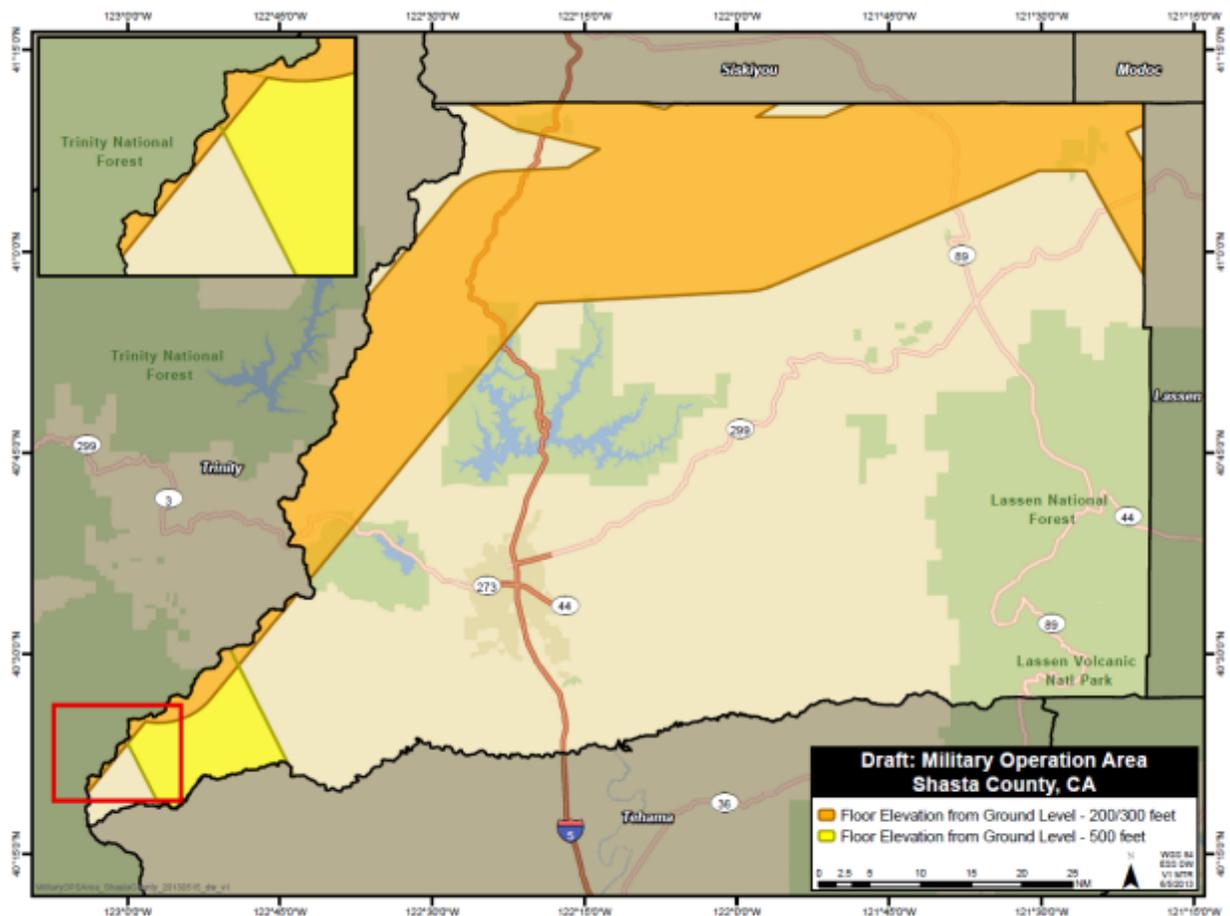
## COMMUNITY ORGANIZATION AND DEVELOPMENT PATTERN OBJECTIVE CO-8

**CO-8** Create a process to identify, coordinate and assist in resolving potential land use conflicts within the military operating areas to ensure that new development is compatible with military operations and to safeguard mission training requirements and support military readiness.

## COMMUNITY ORGANIZATION AND DEVELOPMENT PATTERN POLICY 7.1.4

**CO-y** To ensure early notification to the military of proposed discretionary development projects within MOAs, implement California Government Code Sections to facilitate the exchange of project related information pertinent to military operations within the MOAs.

**CO-z** Utilize the zoning ordinance (including but not limited to special use permit and variance provisions) to require discretionary review of all proposed development projects within the MOAs (Military Review Area Figure XX) that may produce height obstructions, glare, smoke, dust, and steam that could impact military operations.



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## SIERRA COUNTY

**Coordination Start:** April 2011

**Overview:**

There are several military operating areas with training operations that can occur as low as 100 to 200 feet above the ground level. The greatest threat to critical military operations in Sierra County is from wind energy development, as the wind turbines could penetrate the military operating areas, jeopardizing the integrity of the route for optimal testing and training.

The military met with Sierra County along with Plumas, Butte, and Lassen County during the initial outreach meeting in April 2011. After the initial meeting in Plumas County, the military met with Sierra County and the U.S. Forest Service in November 2011 to discuss potential avenues of collaboration. The County sent out RFPs for consultants to update the general plan and zoning ordinance in January 2012. The update project will include adding minor changes to the General Plan to ensure consistency with the zoning code. In June 2013 the planning consultant completed an initial draft which the Navy commented on. The document is under final revisions. The General Plan is currently being revised to include the associated policies.

**Next Step:** Continue to work with the County during the General Plan and zoning update process to achieve military language to protect the airspace.

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## SIERRA COUNTY ZONING CODE

### 15.12 ZONING DISTRICTS

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#### 15.12.140 AV AIRPORT AND MILITARY OPERATION AREA DISTRICT

- (a) Purpose: To implement regulations for the use of land and air spaces in airport zones by preventing the creation or establishment of airport hazards and by preventing the destruction and/or impairment of the utility of the airports of the County. This section shall be applied to properties used or planned to be used as airport or related uses and where the imposition of such regulations is necessary to promote the health, safety and general welfare of the users of airports and related uses and the inhabitants of the County and necessary to protect the public investment therein.
- (b) Permitted Uses: Include airports, heliports and accessory uses.
- (c) Accessory Uses: Include paved runways, taxiways, aprons, and landing strips.
- (d) Conditional Uses: All uses requiring the issuance of a special permit from the Planning Commission, including, but not limited to, aircraft storage, service, repair and fueling structures; passenger and/or freight loading and unloading structures; airport lighting, aircraft tiedowns; radio, radar and other communication related structures; aircraft or aircraft accessory sales; and residences required for the operation and/or maintenance of the airport.
- (e) Non-Permitted Uses: Include those uses which occur on land or in airspace, within any airport approach zone, in such a manner as to:
  - 1. Create electrical interference with radio communication between an airport and aircraft in the vicinity;
  - 2. Make it difficult for aircraft pilots to distinguish between airport lighting and any other lighting;

3. Impair pilot and airport visibility in the vicinity of any airport;
  4. Otherwise endanger or interfere with the landing, maneuvering or take-off of aircraft.
- (f) Height Limitation: The following height limits are hereby established and no structure shall be altered, maintained, or erected in excess of the height limits herein provided:
1. Horizontal Zone: One hundred fifty (150') feet.
  2. Conical Zone: One hundred fifty (150') feet at the inner perimeter and increasing in height at a ratio of twenty-to-one (20:1) glideslope and in no event to exceed one hundred fifty (150') feet.
  3. Transitional Zone: A ratio of seven-to-one (7:1) commencing at the boundary of the landing area(s) as determined by the Planning Commission.
- In addition, residential structures shall be limited to a height of two stories, not exceeding thirty-five (35') feet. All other structures shall be limited to heights as determined by the Planning Commission in the issuance of a special use permit.
- (g) Required Conditions: Land use and design criteria including but not limited to minimum acreage, open space, property line setback, parking, loading, access, designation of building sites, signs, and architectural review shall be considered by the Planning Commission and shall appear as conditions to the issuance of any special use permit for any airport related use.

***22.26 - OVERLAY/ COMBINING ZONES (-AV, -FP, -HP, -LB, -ME, -MOA, -PD, -SB AND -SC)***

The provisions of this Chapter regulate development and new land uses in the overlay zones established by Section 22.14.020 (Zoning Map and Zones), and guide development within the overlay zones through standards that apply to proposed development in addition to the standards and regulations of the primary zone, where important site, environmental, safety, compatibility, or design issues require particular attention in project planning.

The provisions of this Chapter apply to proposed land uses and development in addition to all other applicable requirements of this Zoning Code. Any perceived conflict between the provisions of this Chapter and any other provision of this Zoning Code shall be resolved in compliance with Chapter 22.12 (Interpretation of Zoning Code Provisions).

A. Mapping of overlay zones. The applicability of any overlay zone to a specific site is shown by the overlay Zoning Map symbol established by Section 22.14.020 (Zoning Map and Zones), being appended as a suffix to the symbol for the primary zone on the Zoning Map. The overlay zones are applied to property through the Zoning Map amendment process (Chapter 22.64).

B. Allowed land uses, permit requirements, development standards. Except as may be otherwise provided by this Chapter for a specific overlay zone:

1. Any land use normally allowed in the primary zone by this Article may be allowed within an overlay zone, subject to any additional requirements of the overlay zone;
2. Development and new land uses within an overlay zone shall obtain the zoning approvals required by this Article for the primary zone; and

3. Development and new land uses within an overlay zone shall comply with all applicable development standards of the primary zone, and all other applicable provisions of this Zoning Code (e.g., Article 3 - Site Planning, Design, and Operational Standards).

#### 22.26.080 MILITARY OPERATIONS AREA OVERLAY/ COMBINING ZONE (-MOA)

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##### A. Purpose and applicability.

- (1) The purpose of the overlay zone is promote the use of land and air space in designated Military Operations Area (MOAs) by limiting the creation or establishment of operational hazards that may impair of safety and usefulness of the MOAs within the County. This section shall be applied to properties within the MOA as designated by the U.S. Military and shown on the official Zoning Map of the County.

The (MOA) is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude). Sierra County MOA boundaries and minimum altitudes or floor.

The regulations of this Section shall also be applied to protect the public safety of persons residing under Military Operations Areas (MOAs) by requiring that all new development is compatible with military operations.(Figure XX Military Review Area)

**B. Allowed land uses.** The permit requirements and design and development standards that apply to land uses within the MOA overlay zone, shall be the same as otherwise allowed or required by the zone(s) with which the MOA zone is combined. All normally “allowed” development in the base zoning district and any other applicable overlay zone shall be found compatible with the intent and standards of this section.

Within the MOA, all new land uses and development projects that could penetrate or impact the defined floor elevation of the MOA shall require issuance of a Conditional Use Permit. Uses which would be incompatible with the standards contained in this Section or otherwise interfere with designated military operation areas as described in Subsection C. below are not allowed.

**C. Non-Permitted Uses:** Non-permitted uses include those uses which occur on land or in airspace within the designated overlay zone, in such a manner as to:

- (1) Physical obstructions within the MOA.
- (2) Otherwise endanger or interfere with the maneuvering of military aircraft.

##### D. Permit requirements.

(1) No permit shall be approved for any use in any district which is subject to the MOA until an investigation is conducted by the Director who shall review the proposed project for hazards to aircraft and military operations.

- (2) Proposed structures and uses with impacts contained under the floor elevation of the applicable MOA shall be subject to Zoning Clearance and permitted by the Director in accordance with Subsection E below upon finding that:

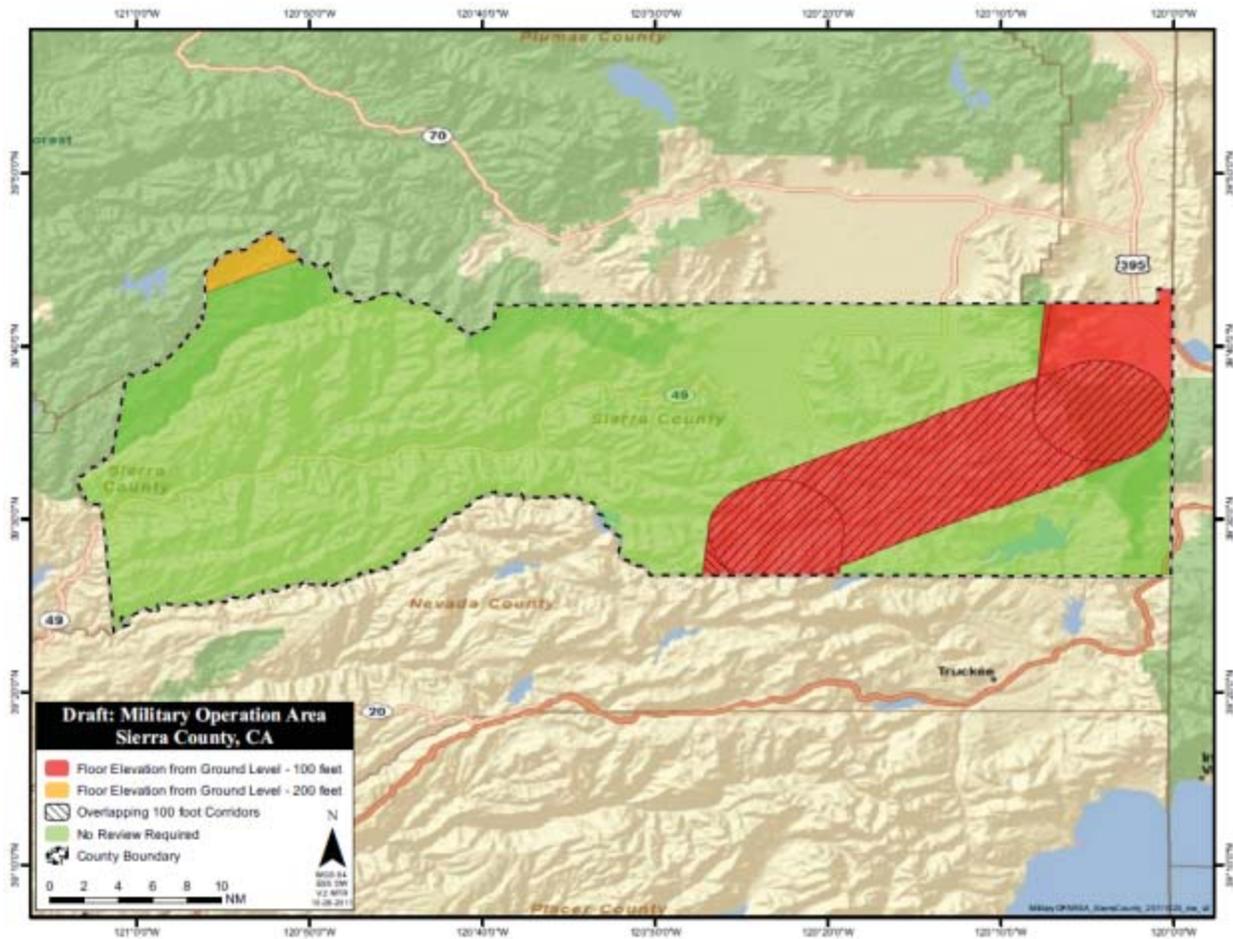
- a) The proposed structure and use does not penetrate the floor elevation of the MOA;

- b) The project is not detrimental to the function of the MOA and would not pose a health or safety hazard to the public and/or military personnel; and,
  - c) The proposed structure and use is consistent with all other applicable provisions of these regulations.
- (3) For the purposes of determining whether a project penetrates the defined floor elevation of the MOA, a penetration shall mean physical obstructions from a structure or object.
  - (4) For the purposes of calculating height of new proposed structures within the MOA, the height of all structures shall mean the distance from ground to the top of the highest point of the structure. For wind turbines this shall mean the highest point of the turbine blade in vertical position.
  - (5) For all proposed development projects within the MOA that could penetrate the defined floor elevation shown in Figure XX, notice with the project description including location and height, shall be mailed or delivered to the military expert for the Navy Region Southwest who is responsible for operations in the MOA.
  - (6) Proposed structures and uses that penetrate the floor elevation of the applicable MOA as determined by the Director during review of the permit, may only be permitted with the issuance of a Conditional Use Permit approved by the Planning Commission as follows:
    - a) Unless the military expert for the Navy Region Southwest for operations in the Military Operation Area first provides the Director with written concurrence that the height of the proposed structure or use would be compatible with military operations and mission, and notwithstanding any other provisions in this Part, no permit may be issued for any structure that is above the floor elevations shown in Figure XX.
    - b) In instances where the required written concurrence from the military expert is requested but not received within 30 calendar days, the Conditional Use Permit may be considered and approved by the Commission.
    - c) Approval of a Conditional Use Permit for structures and uses above the floor elevations shown in Figure XX may be approved by the Commission only upon a finding that the benefits of the requested obstruction into the MOA outweigh the potential impacts on military flight operations, and that the proposed structure and use is consistent with all other applicable provisions of this Subsection.
  - (7) Where a finding is made during the permit application review that the proposed structure and use penetrates the MOA floor elevation such that military operations within the MOA are impacted, and that the project is detrimental to the function of the MOA and would pose a health or safety hazard to the public and/or military personnel, the permit shall be denied.

**E. Development standards.**

- (1) Height Limitation: No structure, including wind turbines or antennas, shall be altered, maintained, or erected in excess of the minimum flight altitudes or floor elevations established on the latest Military Review Area and MOA overlay district maps, except as provided in Subsection D above.

- (2) All structures shall be limited to heights as;
  - a) determined by these regulations,
  - b) where the structure does not penetrate the MOA floor elevation, or;
  - c) the structure does penetrate the MOA floor but the Planning Commission has issued a Conditional Use Permit where the structure or use may penetrate the MOA floor elevation.



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## TRINITY COUNTY

**Coordination Start:** March 2011

**Overview:**

In March 2011 the military met with the senior planning staff to discuss the military operating areas (floors between 200 to 300 feet above ground level). The County staff is supportive of notification requirements and processing revisions to the General Plan and Zoning, but due to staff and funding limitations they weren't able to initiate an amendment to these documents in 2011. The military agreed to work with the Planning Director to implement administrative procedures to manage development projects within the MOA as an interim measure with the end goal being incorporation of military language in the Safety Element. In December 2011 upon further discussion with the military, the County drafted military language for both the General Plan and zoning ordinance.

In the summer of 2013, Trinity received a grant to update the Safety Element of the General Plan and included the recommended military language. In the Fall 2013 the Planning Commission decided to host Safety Element workshops to gain public input. The first workshop was held on November 14<sup>th</sup> with no opposition to the proposed military language. The fourth workshop will be held February 13<sup>th</sup>, 2014. It is anticipated that after this workshop, the draft language for the update to the Safety Element will be forwarded to the Board of Supervisors for their consideration.

**Next Steps:** The Safety Element of the General Plan is anticipated to go to the Board of Supervisors in the summer of 2014..

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## TRINITY COUNTY GENERAL PLAN

### SAFETY ELEMENT

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#### MILITARY OPERATION AREA

Portions of Trinity County are within established Military Operation Area Overlay Zones (MOA). A MOA is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude). Trinity County MOA boundaries and minimum altitudes or floor elevations are depicted in the Military Review Area Figure XX. The MOA is applied to protect the public safety of persons residing under Military Operations Areas by ascertaining that all new development is compatible with military operations within the MOA.

New development could penetrate the defined floor elevation of the MOA and pose hazards to aircraft and military operations and; therefore, the public. The operational use of the MOA mandates that incompatible uses within it be minimized such as:

- i. Uses that release into the air any substance such as steam, dust and smoke which would impair pilot visibility;
- ii. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
- iii. Uses that physically obstruct any portion of the MOA due to relative height above ground level.

For the purposes of determining whether a project penetrates the defined floor elevation of the MOA, a “penetration” means physical obstructions from a structure or object, and/or a visual obstruction such as steam, dust, and smoke. For the purposes of calculating height of new proposed structures within the MOA, the height of all structures means the distance from ground to the top of the highest point of the structure.

## TRINITY COUNTY ZONING ORDINANCE

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### MILITARY OPERATION AREA COMBINING DISTRICT

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Portions of Trinity County are within established Military Operation Areas (MOA) comprised of Military Training Routes (MTRs). An MTR is a three dimensional airspace designated for military training and transport activities that has a defined floor (minimum altitude) and ceiling (maximum altitude). Due to the mountainous terrain, portions of Trinity County provide good locations for low-level training for military aircraft flying in mountain valleys. Construction of tall buildings, towers, antennae, or other man-made objects could be a hazard to military aircraft using these routes. New power lines or other cables crossing valleys well above the valley floor are also potential hazards to aircraft transiting the valleys.

Trinity County MTR boundaries and minimum altitudes or floor elevations are depicted in the Military Review Area Figure XX. The MTR is applied to protect the public safety of persons residing under the MTR by ascertaining that all new development is compatible with military operations within the MTR. New development would be incompatible with military operations if the development could penetrate the defined floor elevation of the MTR and pose hazards to aircraft and military operations and; therefore, the public.

The operational use of the MTR mandates that incompatible uses within it be minimized such as:

- i. Uses that release into the air any substance which would impair pilot visibility or interfere with onboard radar or radio communications;
- ii. Uses that produce light emissions, glare or distracting lights which could interfere with pilot vision or be mistaken for airfield lighting;
- iii. Uses that physically obstruct any portion of the MTR due to relative height above ground level.

For the purposes of determining whether a project penetrates the defined floor elevation of the MOA, a “penetration” means physical obstructions from a structure or object, and/or a visual obstruction such as steam, dust, and smoke.

#### ***Military Operations Area Combining District Goals/ Objectives Policies***

##### **S.8 Military Training Route (MTR) Overlay Goal**

Protect the public safety of persons residing under Military Training Routes and military personnel.

###### **S.3.1 Objective**

Ascertain that new development is compatible with military operations within the MOA.

###### **Policies**

- A. To protect the public safety, the County should adopt implementing ordinances for all areas where a MTR is designated to include notification to the military of the proposed development

and adoption of standards for new land uses and development to ensure that it is compatible with military operations.

B. All new construction of any type must be in compliance with the Airport Land Use Compatibility Plan (ALUCP) to ensure that the Federal Aviation Administration (FAA) is notified of any proposed construction that could penetrate navigable airspace.

**Coordination Start:** May 2011

**Overview:** After numerous discussions and coordination efforts with Plumas County, the County staff introduced the military to the Plumas Forest to further support efforts to protect military operation areas. Subsequent to several collaborative sessions, the Plumas Forest and Modoc Forest established a notification and review process of all projects under military operation areas. After conducting an initial trial run over a 7-month period to determine the effectiveness of the preliminary notification and review process, both Forests Districts decided to propose the concept to the Region 5 Headquarters (Forests in the State of California). The final directives were approved in December 2012 formalizing the process across all Forest Districts of Region 5 of the USFS

**Next Step:** In concert with USFS Region 5, the military has commenced engaging several other USFS Regions to explore their interest to adopt similar directions as those implemented within Region 5.

## FOREST SERVICE HANDBOOK

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### *FSH 2709.11 – SPECIAL USE HANDBOOK*

## CHAPTER 10 – APPLICATION AND AUTHORIZATION PROCESSING

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### ***12.21 - Criteria for Initial Screening***

Notify the Regional Public Services staff prior to accepting any proposal that has the potential to create hazards to military or civilian aircraft. Potential hazards include, but are not limited to:

1. Uses that physically obstruct any portion of military or civilian airspace due to relative height above ground level;
2. Uses that release into the air any substance, such as steam, dust, and smoke, which could impair pilot visibility;
3. Uses that produce light emissions, glare, or distracting lights that could interfere with pilot vision or be mistaken for airfield lighting; and,
4. Uses that produce electromagnetic and frequency spectrum interference, which could impact military operations.

Regional Public Services staff will initiate and coordinate review by the Department of Defense (DOD) prior to acceptance of any proposal that has the potential to create hazards to military activities. DOD will directly notify the Regional Public Services staff whether the proposal (1) has no significant impacts on military activities, (2) has an adverse effect on military activities that can be mitigated, or (3) has an adverse effect on military activities that cannot be mitigated. DOD will describe appropriate mitigations and indicate whether review is necessary. Review by Department of Homeland Security, Federal Aviation Administration, and National Weather Service should normally be initiated after screening has concluded. See FSM 73.1 for further details about application requirements for wind energy infrastructure.

Use Geographic Information Systems to aid screening processes. Regional Public Services Staff will work closely with DOD to ensure that all available military activity data layers are updated and available to field units.

Proposals for wind energy infrastructure that will be located in California should be reviewed informally by state and county agencies prior to acceptance. This review can also be coordinated by the Regional Public Services staff. As part of informal review, the authorized officer is encouraged to discuss the proposal at a regularly scheduled renewable energy permitting meeting that is attended by various federal, state, and county agency representatives in Sacramento. The primary purpose of informal state and county review is to apprise the authorized officer of potential conflicts or interference the proposal may cause to adjacent non-National Forest System lands. See 36 C.F.R. § 251.54(e)(v). In addition, this informal review provides an opportunity for the authorized officer gain familiarity with California's unique regulatory environment for energy infrastructure permitting.

#### ***14 - Preparing and Issuing Authorizations.***

Do not enter into interagency or other authorized agreements (FSM 1580) in lieu of a special use authorization, unless there is mutual benefit to be derived by both parties and the use is otherwise in conformance with applicable laws, regulations, policy, and management direction. This includes uses such as training maneuvers by the military or uses which benefit state or local governments.

## **CHAPTER 70 – WIND ENERGY USES**

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### ***72 – Wind Energy Proposals***

#### ***72.2 – Screening of Proposals***

To screen proposals for site testing and feasibility permits and proposals for construction and operation of wind energy facilities, refer to 36 CFR 251.54(e) and Forest Service Handbook (FSH) 2709.11, sections 12.2 and 12.3. These references describe the screening process and nine criteria to be used in screening special use proposals.

Deny proposals for wind energy facilities in wilderness areas and wilderness study areas; in wild and scenic rivers; at national historic sites; on National Historic or National Scenic Trails; in other special areas where Federal law precludes land use for wind energy production; and in areas authorized for use by DoD or one of its agencies, unless DOD concurs with siting wind energy facilities at that location.

Proposals for wind energy facilities may be denied in areas where DoD, DHS, FAA, or the National Weather Service expresses substantial concern that a proposed wind energy facility would adversely impact national security, military readiness or suitability of training areas, radar and electronic security, or safety of military or civilian airspace and mitigation for the concern is not possible.

### ***75 – Wind Energy Permits***

#### ***75.2 – Permits for Construction and Operation of a Wind Energy Facility***

##### ***75.21 – Pre-Authorization Requirements***

A permit for construction and operation of a wind energy facility may be issued only after the applicant has:

1. Documented that construction and operation of the wind energy facility must not hinder national security; military readiness or training areas; radar or electronic security; or military or civilian airspace.
2. Submitted a study plan that includes survey outcomes from site testing and feasibility studies. Include the study plan as an appendix to a permit for construction and operation of a wind energy facility.
3. Submitted a final POD, including all required on-site construction drawings and specifications, drawings and specifications for road construction to connect the site to existing forest roads and for reconstruction of NFS roads; abatement procedures; acceptable design measures; and other requirements determined through environmental analysis. Include the POD as an appendix to a permit for construction and operation of a wind energy facility.
4. Submitted a final site plan consistent with the corresponding environmental analysis. Include the final site plan as an appendix to a permit for construction and operation of a wind energy facility.
5. Submitted an annual operating plan prepared in consultation with the authorized officer that meets the following requirements:
  - a. Construction Phase. The operating plan must address transportation and traffic management for the construction phase of the project. Specifically, the operating plan must specify the size, weight, origin, destination, unique handling requirements, and alternative transportation that may be necessary for turbine components, main assembly cranes, and other large equipment. The operating plan must identify any permits that are required for movement of these loads in accordance with state traffic law (36 CFR 212.5(a)). The operating plan must address minimizing hazards from increased truck traffic. The operating plan also must identify needed temporary traffic control measures, such as signs, barricades, flaggers, and pilot cars, which are warning vehicles that drive in front and sometimes behind oversized vehicles and vehicles with oversized loads. All temporary traffic control measures must comply with the Manual on Uniform Traffic Control Devices for Streets and Highways (23 CFR 660.603 and FSM 7731.16). Specify dates or seasons of operation and other information required to administer the authorized use, such as seasonal limitations on the use of heavy equipment.
  - b. Operational Phase. For the operational phase of the project, the operating plan must:
    - (1) Require submission of final as-built drawings of the wind energy facilities before operations commence.
    - (2) Specify dates or seasons of operation and other information such as seasonal limitations on the use of heavy equipment and requirements for plowing snow.
    - (3) Address hazardous materials and waste management, specifically, requirements for the storage, use, transportation, and disposal of hazardous materials and waste anticipated to be used, stored, or transported at the site; spill prevention and response measures; inspection procedures; and procedures to ensure that the site is kept free of debris and trash.
    - (4) Include a safety plan describing site access, safe work practices, security, emergency procedures, fire control, and other measures to avoid or mitigate safety hazards.
6. Submitted a monitoring plan prepared in consultation with the authorized officer. Include the monitoring plan as an appendix to a permit for construction and operation of a wind energy facility. The monitoring plan

must address the potential effects on wildlife and any required mitigation measures discussed in the corresponding environmental analysis and site testing and feasibility studies. See FSH 2609.13, chapter 80, for recommendations on developing a monitoring plan and sampling protocols for effects on wildlife. The following are examples of items that may need to be addressed or included in a monitoring plan:

- a. Effects of wind turbine construction and operation on species of management concern and their habitat.
- b. Newly discovered ecologically sensitive habitats or features, such as bat hibernacula or breeding sites, so that measures may be taken to prevent or mitigate adverse effects.
- c. Requiring the holder to submit to the authorized officer an annual report summarizing results of all monitoring data and use of the annual report as appropriate to revise the next annual operating plan, including adding provisions to mitigate adverse effects on species of management concern.
- d. Instructing all on-site personnel to avoid harassment and disturbance of wildlife, especially during courtship, nesting, and fledging seasons.
- e. Requiring the holder to report promptly to the authorized officer adverse effects on certain protected habitats, such as wetlands.
- f. Requiring the holder to report promptly to the authorized officer and appropriate State agency the discovery of a carcass of a State-protected species, and to report promptly to the U.S. Fish and Wildlife Service the discovery of a carcass of a Federally listed endangered, threatened, or candidate species, bald or golden eagle, or other protected wildlife as identified during consultation with the U.S. Fish and Wildlife Service.



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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WASHINGTON, DC 20301-3000

ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

David Harlow  
Director,  
Desert Renewable Energy Conservation Plan  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

July 24, 2012

Dear Mr Harlow,

This letter provides information in support of the Desert Renewable Energy Conservation Plan. Attachment 1 provides a Department of Defense (DoD) comprehensive matrix detailing potential military operational constraints by Development Focus Area. Attachment 2 provides associated conflict maps by renewable energy technology.

Generally, only two renewable energy technologies currently present a significant mission compatibility issue for DoD operations in this region: 1) wind turbines and 2) solar power towers. For each of these technologies, conflict areas on the provided maps are labeled with a "W" for wind turbines and "ST" for solar power towers. Individual areas or polygons are then assigned a separate letter. This creates a nomenclature where compatibility issues with wind turbines are labeled W-A, W-B, W-C etc, and areas with solar power tower compatibility issues are labeled ST-A, ST-B, ST-C, etc. The labels are correlated to the maps that are provided.

There is a third energy technology for which the labels start with "WM" for wind turbines under military training routes. These areas underlie low-level military training routes (MTRs) or special use airspace (SUAs). While wind turbines in these areas may be compatible, the areas are identified as warranting additional scrutiny during the siting process.

Generally, photovoltaic systems on or near SUAs or MTRs present little to no conflict to military operations, testing and training. Geothermal plants likewise generally pose little impact to military operations, testing and training.

Besides the identified DFAs, several of the stakeholders requested that the Clearinghouse process further evaluate renewable energy zones identified by the California Wind Energy Association (CALWEA) and Center for Energy Efficiency and Renewable Technologies (CEERT). As there is a possibility that some of these areas could be added as DFAs, the Department of Interior requested that DoD analyze them for potential conflicts as well. The results of that analysis are included in the matrix by renewable energy technology but shown separately in the attached maps.

Regarding the color coding of the maps:

- The red areas represent locations where there is a high likelihood of an unacceptable risk to national security, and the technology identified might impact military operations, testing and training. This means that should a DFA be established at this location, DoD will closely scrutinize any projects proposing that technology. Potential mitigation actions may alleviate the risk; however, if mitigation is not possible, then DoD may be required to object to the project at these locations.
- The red hashed areas represent locations where there is a high likelihood of an unacceptable risk to national security, and that the technology identified might impact military operations, testing and training, should DoD expand military operations in these areas. These areas are currently connected with on-going land expansion efforts around Marine Corps Air Ground Combat Center Twenty-Nine Palms. Once a decision on the expansion is made, DoD will likely object to any proposed project on land included in the expansion area.
- The orange areas represent locations where there is a medium likelihood of an unacceptable risk to national security, and that the technology identified might impact military operations, testing and training. This means that should a DFA be established at this location, DoD will scrutinize the developer's proposed project. Potential mitigation actions may alleviate the risk; however, if mitigation is not possible, then DoD may be required to object to the project at these locations.
- The yellow areas represent locations where there is a low likelihood of an unacceptable risk to national security, but that the technology identified probably will not impact military operations, testing and training. This means that should a DFA be established at this location, DoD will review the developer's proposed project for potential impact.

If you or the DRECP stakeholders have any questions, please don't hesitate to contact me at [michael.aimone@osd.mil](mailto:michael.aimone@osd.mil) or 571 372-6745.

Sincerely,



Michael A. Aimone, P.E.  
Executive Director  
DoD Siting Clearinghouse

Attachments, As Stated

cc: Department of Interior DRECP Project Manager



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

## OFFICE OF THE UNDER SECRETARY OF DEFENSE

3400 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3400

David Harlow  
Director, Desert Renewable Energy Conservation Plan  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

February 12, 2013

Dear Mr Harlow,

As follow-on to my letter of 24 July, 2012, this letter provides amplifying information in support of the Desert Renewable Energy Conservation Plan (DRECP).

I understand that the DRECP document, once completed, will contain a Section titled, "Conservation and Management Actions, including Allowable Uses and Use Restrictions". The intent of this section is to provide agency stakeholders a venue to articulate their respective expectations in order to streamline proposed projects under NEPA/CEQA within the DRECP planning area.

In my letter of 24 July, 2012, I provided a Department of Defense (DoD) comprehensive matrix detailing potential military operational constraints by Development Focus Area. The results of our analysis were included in the matrix by renewable energy technology but shown separately on several maps. Each map contained three (3) distinct color codes, briefly described below:

### Red Areas

Represent locations where there is a significant likelihood of an unacceptable risk to national security, and the technology identified might impact military operations, testing, and training.

### Orange Areas

Represent locations where there is a likelihood of an unacceptable risk to national security, and that the technology identified might impact military operations, testing, and training.

### Yellow Areas

Represent locations where there is some likelihood of an unacceptable risk to national security, but that the technology identified probably will not impact military operations, testing, and training.

In an effort to continue DoD's support of the DRECP initiative, we recommend the following be incorporated as part of DoD's input towards the "Conservation and Management Actions, including Allowable Uses and Use Restrictions" section of the DRECP:

- A. Red Areas – No streamlining of projects unless a written letter is provided by the DoD Siting Clearinghouse stating military impacts have been mitigated.
- B. Orange and Yellow Areas – Streamlining of projects permitted following consultation with DoD at the regional level that results in a DoD assessment of no mission impact. DoD regional level shall have 30 days to determine mission impact assessment. However, within the 30 day DoD review period, should DoD assess that the project might result in a significant possibility of an unacceptable risk to national security, then such project shall not be streamlined, and referred to the DoD Siting Clearinghouse.
- C. Notification to DoD at the regional level for a military impact assessment and determination to streamline a project within the DRECP planning area shall follow DoD Service level points of contacts established by SB 1462.

I appreciate and value the excellent collaborative relationship that exists between our agencies to ensure compatible renewable energy development while protecting and sustaining the military's mission.

Sincerely,



Michael A. Aimone, P.E.

Executive Director  
DoD Siting Clearinghouse